

EXTENSIONS OF REMARKS

PATENT AND TRADEMARK OFFICE
SURCHARGE EXTENSION ACT

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. COBLE. Mr. Speaker, today, I am pleased to introduce a bill which responds to an aspect of the budget proposed by the administration last Thursday and to congressional practice over the past 6 fiscal years. The administration's budget proposal would divert \$92 million in fiscal year 1998 from the U.S. Patent and Trademark Office, which receives no taxpayer dollars, to other tax-funded areas of the Government. In 1999, the administration proposes that \$119 million be diverted. In fiscal year 1997, Congress diverted \$54 million, a significant increase over previous diversions. This legislation would correct this serious and growing problem, without harming the budget, so that the PTO can continue to be the engine that fuels the creation of competitive American technology.

Last month, Representatives GOODLATTE, CONYERS, LOFGREN, and I introduced H.R. 400, the 21st Century Patent System Improvement Act, a bipartisan bill which will make critical reforms to our Nation's patent laws and to the PTO for America's high-technology industries. However, unless we move quickly to preserve and stabilize the finances of the PTO, these improvements and the patent system itself will be in jeopardy.

The Patent and Trademark Office is funded totally through the payment of application and user fees. Taxpayer support for the operations of the Office was eliminated in 1990 with the passage of the Omnibus Budget Reconciliation Act. The act imposed a massive fee increase—referred to as a "surcharge"—on America's inventors and industry in order to replace taxpayer support the Office was then receiving. The revenues generated by this surcharge, \$119 million, which constitute approximately 20 percent of the PTO's operating budget, are placed into a surcharge account. The PTO is required to request of the Appropriations Committees that they be allowed to use these surcharge revenues in this account to support the 20 percent of its operations these revenues represent. It was anticipated in 1990 that Congress would routinely grant the PTO permission to use the surcharge revenue since it was generated originally from fees paid by users of the patent and trademark systems to support the cost of those systems.

Unfortunately, experience has shown us that the user fees paid into the surcharge account have become a target of opportunity to fund other, unrelated, taxpayer-funded Government programs. The temptation to use the surcharge, and thus a significant portion of the operating budget of the PTO, has proven increasingly irresistible, to the detriment and

sound functioning of our Nation's patent and trademark systems. Beginning with the diversion of \$8 million in 1992, Congress has increasingly redirected a larger share of the surcharge revenue, reaching a record level of \$54 million in the current year. In total, over the past 6 fiscal years, over \$142 million has been diverted from the PTO.

This, of course, has had a debilitating impact on the Patent and Trademark Office. The effort to reclassify the patent search file to keep it current with developing technologies had to be eliminated. The efforts to provide technological training for patent examiners and to expose them to the latest developments in their fields has been reduced. The support of legal training for patent examiners has been cut 50 percent. One of the most promising cost-saving steps contemplated by the PTO, allowing applicants to file their applications electronically, has been postponed indefinitely. Since the diversion of \$54 million this year, the Office has been forced to reduce the hiring of patent examiners 50 percent at a time when patent application filings are increasing by nearly 10 percent annually. In the budget delivered to this body by the administration last Thursday, the President is proposing that we continue to increase these diversions in the amount of \$92 million in fiscal year 1998 and \$119 million, the amount of the entire surcharge, in each of the succeeding years through fiscal year 2002. In anticipation of this denial of user fees, the PTO has canceled totally all plans for hiring patent examiners this year because it would not have sufficient funds to pay for them next year. We cannot afford to allow this dismantling of our patent system to occur.

The legislation I am introducing today is revenue neutral. It does not increase an expenditure of taxpayer revenues which would increase the deficit. It would merely permit the PTO to use all of the patent and trademark fees it receives to examine patent and trademark applications, to grant patents and to register trademarks. It does this by placing the fees generated by the surcharge mandated by the Omnibus Budget Reconciliation Act of 1990 into the same category as the other user fees paid by patent and trademark applicants. Specifically, it would characterize these fees as "offsetting collections" rather than "offsetting receipts" so that all of the fees collected could be used for the purposes for which they were paid.

We must stop this unwarranted tax on innovation. Our Patent and Trademark Office cannot operate effectively on 80 percent of its operating budget—all of which is paid for not by you and me, but by the applicants who use it. I look forward to working with all interested parties to reverse this potential decline in the services offered by the PTO. In this increasingly competitive world, the economic survival of the United States will be dependent upon high technology products and services. We

cannot allow the pillar upon which our competitiveness in the global economy rests to be destroyed.

SUNSHINE ON THE FEDERAL OPEN
MARKET COMMITTEE ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. TRAFICANT. Mr. Speaker, in 1995 the Chairman of the Federal Reserve clarified that transcripts of its Federal Open Market Committee [FOMC] meetings will be disclosed to the public—after 30 years.

Enough is enough. I urge my colleagues to once again cosponsor my Sunshine on the Federal Open Market Committee Act, which will apply the Government-in-the-Sunshine Act to FOMC meetings.

The Fed is charged with duty of not only conducting the day-to-day banking for the entire Nation, but regulating the economy through the formulation of monetary policy. Needless to say, it wields immense power. In a typical month, it pumps anywhere between \$1 and \$4 billion into the economy while dangling the threat of higher interest rates over the American public. Even more intimidating, Mr. Speaker, is that half of all the banks in the country are members of the Federal Reserve System; all national banks must belong. All told, the Fed has holdings of over \$300 billion—accounting for nearly 7 percent of the national debt.

The entity within the Fed responsible for determining the country's monetary policy is the FOMC, which consists of the 7 member Board of Governors and 5 of the 12 district bank presidents. The FOMC meets every 6 weeks but, unfortunately for the general public, they meet in relative secrecy. I say relative because, in the wake of a FOMC meeting, members of the committee give speeches to business groups where, with a wink and a nod, they may reveal specifics of the new policy. Meanwhile, the ordinary American gets a convoluted synopsis of the policy immediately after the meeting, an edited transcript 6 weeks later, and the full story 30 years later. It is time to open these meetings up to all.

Mr. Speaker, the Government-in-the-Sunshine Act, passed in 1976 to increase accountability of over 50 Federal agencies, opens closed meetings to private scrutiny. It requires that every portion of every meeting of an agency that is headed by a collegial body must be open to public observation. There are exceptions to the law, however, and the Fed has massaged the English language to the point where the Supreme Court overruled the lower courts and allowed one such exemption to apply to the FOMC meetings. Consequently, the Fed has the extraordinary timetable for disclosure that I mentioned.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, I understand the sensitivity with which the Fed must treat monetary policy. I also understand the need for apolitical decisionmaking during the FOMC meetings. But when a governmental entity can wield a \$300 billion bludgeoning tool at will in the marketplace, it should be held accountable. As such, I am reintroducing the Sunshine on the Federal Open Market Committee Act to ensure the FOMC is held accountable for its policies.

I urge my colleagues to once again support and cosponsor this important measure.

TRIBUTE TO CLARENCE DUDLEY NOLAND

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. ROGERS. Mr. Speaker, today I would like to pay tribute to a dedicated public servant, a good citizen, and a man who is well-respected throughout my home State of Kentucky.

Clarence Dudley Noland, known to many as "C.D.", the gentleman from Estill County, is a man who has left his mark in Kentucky. As a State legislator, an entrepreneur, a railroad engineer, a farmer, and a 30-year member of the Army National Guard, C.D. has touched the lives of many people throughout our State.

As a Member of the Kentucky House of Representatives for 15 years, C.D. earned a reputation for being hard-working, fair-minded, and rooted in good, old-fashioned common sense. From the first day C.D. took his oath of office in 1982, he set out to make a difference for the people he represented.

If you know anything about the Appalachian region of eastern Kentucky, you realize that we have many challenges, but C.D. has tackled those challenges with great success. He has been instrumental in developing industrial parks, medical service heliports, sewer and water improvements, and mobile dental clinics for Appalachian children. He has fought for veterans programs, affordable housing, nursing home facilities, and historic preservation and conservation of Kentucky's lands and heritage.

C.D.'s dedication, diligence, and fairness gained him the esteem of Governors, legislators, and public administrators alike. During his tenure, he served as vice chairman on the powerful Appropriations and Revenue Committee. Other committees he served on include the Legislative Research Commission, Rules Transportation, Program Review and Investigations, Cities, and Natural Resources and Environment. He was a member of the Governor's Task Force on Health Care and the Governor's Commission for Tax Reform where his insights proved invaluable. His was also actively involved in the executive committee of the Kentucky Republican Party, the American Legislative Exchange Council, and the National and Southern Conferences of the State Legislators Association.

From 1991 to 1994, C.D. stepped into the leadership of the general assembly, when he was elected to serve as the house minority caucus chairman. After serving two terms, he

stepped aside so fellow legislators might share the experience.

C.D.'s departure from the general assembly did not mean that he would hang up his hat. Today, he is still doing what he can to improve the quality of life for the people of Kentucky. He continues to share his time and talent as a member of the board of directors of 21st Century, Inc; the Marcum Wallace Hospital Board of Directors; the Estill County Chamber of Commerce; the Irvine-Ravenna Kiwanis Club; the Community Development Foundation Council; the Natural Bridge Park Association; the Council of the National Rifle Association; F and A Masons, Irvine Lodge 137; Oleika Shrine Temple; and the Estill County Sportsmen's Club.

It has been an honor and a privilege knowing and working with C.D. Noland throughout the years. On behalf of the people of eastern Kentucky, I want to commend C.D. for all he has accomplished for our State, and thank him for a job well done.

LONG TIME DEMOCRAT JOINS REPUBLICAN RANKS

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. LIVINGSTON. Mr. Speaker, on December 19, 1996, the mayor of Slidell, LA, the Honorable Salvatore A. "Sam" Caruso, left the Democratic party for the Republican Party. I commend Mayor Caruso on his decision and welcome him to the Republican Party.

Like other conservative Democrats, mayor Caruso found it difficult to be a member of a party whose philosophy blatantly contradicted his own deeply held beliefs. I recommend that my House colleagues take a moment and read Mayor Caruso's remarks.

SOME REFLECTIONS UPON THE OCCASION OF CHANGING MY POLITICAL PARTY AFFILIATION FROM THE DEMOCRATIC PARTY TO THE REPUBLICAN PARTY

(By Salvatore A. Caruso)

Thank you for coming here today.

The fact that we have had sleet, and rain and snow here in south Louisiana over the past few days was merely what Congressman Livingston predicted would happen whenever I would change political parties. Except that he predicted both events for July 32nd.

Bob Livingston has been trying to persuade me to make this change for at least ten (10) years now. In a desperate attempt about a year ago, he added one new reason. Bob told me that I look more like an elephant than a jackass. I was not sure if that was a compliment or an insult. Although he added that if I became a Republican I could ride the elephant into an unlimited political future. I told him that if the elephant could fit on my shoulders I would do it.

A lot of people have a right to a serious explanation regarding this change in my Party affiliation.

Because I have been a Democrat for all of my life and because I have been correctly identified as a proponent of a few issues which some people call "liberal", there has been an obscuring of the fact that upon several other issues I have always been strongly conservative and correctly identified with

what might be called the Republican position.

Let me give you three examples:

(1) There is currently a popularly used word to describe the divesting of power by the Federal Government from itself, and the passing of that power on to Stat and Local governments. The word is "devolution."

For me, that is simply a newly popular word to replace the more traditional word "subsidiarity." Subsidiarity is a word and a concept that have been available to us for a very long time. The word has a proper place in philosophy, economics, political science, management and other areas of human endeavor. Put simply, it means this: Nothing should be done at a higher level of organization than is necessary to accomplish the purpose involved. Or, conversely, whatever needs to be done should be done at the lowest level of organization that is possible. In governmental terms: Whatever needs to be done by the government should be done by the government closest to the people.

(2) I am a fiscal conservative and I always have been. That strong fiscal conservatism has been consistently reflected in my speech, in my actions, and in my decisions as a public official for over eighteen (18) years now. No one turns around a public hospital from a three and one-half million dollar debt to a thriving enterprise by using financially liberal practices. No one leads a city to \$55,000,000 worth of capital improvements while finishing eleven (11) years of operations with a financial surplus by being profigate with public money.

(3) I believe strongly in environmental protection. But, I do not believe that business people ought to be, in effect, deprived of the use of their land because it holds a puddle of water for two weeks out of the year. I believe even less that local governments, struggling to keep their people from flooding, ought to have to obtain permission from the Federal Government to build the necessary structures on land where some exotic grasses are growing. I like plants, but like people more.

And, it is my love for people that brings me to the central reason for this change in political parties.

Before I expand upon that, I want to insert here a very personal note. I began this speech with a couple of humorous comments about Congressman Livingston. Now I want to tell you something that is very serious. No one should ever change political parties simply because of a personal friendship. And, over the years, I have resisted any temptation to do that. The issue is simply too important to be decided at that level. But, if there are other matters that are compelling or nearly compelling, then certainly it is honorable to allow personal considerations to top-off the decision-making process.

And, that is, in fact, happening in this case. As almost everyone knows by now, Bob Livingston and I were classmates at Our Lady of Lourdes Grammar School in New Orleans. He has survived the publication of that fact until now, and I expect that he will continue to manage after this. What yet may be unclear is the extent to which Bob has been a friend to me and to the city which I lead. Over all of these years and throughout all of his success at the national level, he has never been any different in personal attitude than he was when we were both boys. And, during all of that time no one could have been a better friend to a former classmate than Bob Livingston has been to me. No one could have been a better friend to the City I lead than Bob Livingston has been to the City of Slidell. Federal money that is at

work right now in the City of Slidell came here largely through Bob Livingston. Federal money to control flooding, and for which we have only recently become eligible, will come to us almost solely because of Bob Livingston, if only we have the sense to take it.

What all of us owe to my grammar school classmate is more than I can cover in this speech. And, so, for now, in this setting, the only thing more that needs to be said is: Thank you, Bob.

Now, let me return to my comment about my love for people.

I come from a family which always struggled for a reasonable level of existence, which was occasionally near the poverty level, and in which both parents died at age fifty-three (53), and died bankrupt for the crime of having cancer but no health insurance.

For the past twenty-four (24) years, as a licensed psychiatric social worker, I have heard more than I ever expected to hear about the endless ways in which human suffering comes to people, about how they cope or do not cope with that suffering, about what kind of help they have needed from me, from others, and sometimes from the whole community.

No one needs to tell me about such things. I have lived them. I have heard them. I have, hopefully, helped people through them.

I love people.

But, within that love for people I have a peculiar feeling and a peculiar notion.

I also love people who already exist but are not yet born.

Those people are called by different names: tissue, zygote, embryo, fetus, baby, human, child of God.

I confess to another strange, peculiar notion. It is this: No one has the right to kill another human being except to save his or her own life or the life of another innocent human being. And, if I have not stretched your patience too far already, please listen to yet one more strange peculiar belief. I also believe that the same nearly universally accepted rule which forbids such killing also applies to our fellow human beings who already exist but are not yet born.

I think it is unacceptable and barbaric to kill unborn babies. And, in an even more retrogressive concept, I hold that society has something to say about this, that the community has something to say about this. I deny and deny emphatically that this is a purely private matter.

There are, indeed, issues and behaviors that are or should be beyond the reach of the society, the community, or the State. There are behaviors that are or should be purely personal, private matters. These are behaviors that, for the most part, involve only one person or freely consenting adults. Generally, sexual preferences and practices are or should be covered by a veil which excludes everyone but the consenting adult participants. For example, a decision to use contraception is or should be a purely personal matter in which no outsider has a right to interfere. There are other examples, in other aspects of life, which carry and should carry a sign saying: PRIVATE, NO ENTRY.

But abortion is not one of them: Abortion is different. Abortion involves two different human beings—one of them is neither an adult nor consenting. Abortion involves the killing of one human being by another with or without accomplices. Where else in this culture do we say that such behavior is a purely private matter? Where else do we say that in such circumstances the society, the

community, and the State itself have no rights at all? No where.

It is obvious, of course, that the circumstances of pregnancy are unique. But in western civilization we purport to value life more than any of the conditions of life. But, not if it is an unborn life. In that circumstance, any condition at all is held to be good enough, heavy enough, to outweigh even the basic right to life itself.

I suggest to you that this is insane, that we are a nation that has lost our collective mind over this issue.

And, even some people who are pro-choice seem to know this. There seems to be a psychological need for denial, for euphemism, for semantics, and for general self-deception in order to make the psyche accept that which it could otherwise not accept.

Listen to a few examples:

(1) "The fetus is not human."

By now, this is hardly worth the effort to refute it. On the basis of science, not religion, we know that from the moment of conception, the fetus has its own full set of chromosomes, an absolutely unique genetic pattern, and 100% of the material necessary to develop into a fully grown human being. The mother, who has already provided fifty percent (50%) of the building materials, now also provides a site and nourishment for the event. Nothing less but nothing more.

(2) "But, this is part of the mother's body."

By now, this is almost ludicrous. There is enough biological information available even to the general public to expose the lie in this claim. From the moment of conception, the fetus is immunologically foreign to the mother. It may have a different blood type. And, in about fifty percent (50%) of all cases it has a different gender than the mother.

How, by any standard, can this be a part of the mother?

(3) "But a woman has a right to control her own reproduction."

Yes, she does. She has the right to abstain from sexual intercourse. She has the right to engage in sexual intercourse and to use contraception.

But abortion is not contraception. It has nothing to do with reproductive rights. It has to do with killing that which has already been reproduced.

No amount of euphemism will change that.

Do we use the words "vaccine" and "antibiotic" interchangeably? If so, then let's begin to use the words "contraception" and "abortion" interchangeably. Until then, I think the clarity of distinction could be helpful.

(4) "This is a religious issue and no one has a right to impose his or her religious beliefs on anyone else."

Indeed we have no such right! But, at its most common denominator, abortion involves not theology, but humanity. One does not need to believe in God to be opposed to abortion. One needs only to believe in humanity. One needs only to believe that we do not kill each other except to save ourselves or another one of us. A creed is not needed to abhor abortion for convenience.

I never want to live in a community where a majority of Catholics can forbid the sale of contraceptives, or where a majority of Baptists can forbid the sale of liquor, or where a majority of Jews can forbid the sale of pork. But, it is a source of horror to live in a country where any number of people can forbid protection to a group of innocent human beings targeted for killing.

In addition to the horrors generally associated with abortion, there has now been added to the lexicon a phrase that should go down

in history along side the terms "The Inquisition", "The Witch Burnings", "The Camps", "The Ovens", "The Holocaust", and "The Final Solution." That phrase is "Partial Birth Abortion."

This phrase refers to an absolutely barbaric act in which an abortion is performed late in the second trimester and through the entire third trimester of a woman's pregnancy.

In September, 1993, a pro-choice nurse, Brenda Pratt Shafer, witnessed her first partial birth abortion.

Here is her description of what she saw:

"I stood at the doctor's side and watched him perform a partial birth abortion on a woman who was six months pregnant. The baby's heartbeat was clearly visible on the ultrasound screen. The doctor delivered the baby's body and arms, everything but his little head. The baby's body was moving. His little fingers were clasping together. He was kicking his feet. The doctor took a pair of scissors and inserted them into the back of the baby's head, and the baby's arms jerked out in a flinch, a startle reaction, like a baby does when he thinks he might fall. The doctor opened the scissors up. Then he stuck the high powered suction tube into the hole and sucked the baby's brains out. Now the baby was completely limp. I never went back to the clinic. But, I am still haunted by the face of that little boy. It was the most perfect, angelic face I have ever seen."

Doctor Pamela E. Smith, Director of Medical Education, Department of Obstetrics and Gynecology, at Mount Sinai Hospital in Chicago testified to a committee of the United States Congress:

"There are absolutely no obstetrical situations encountered in this country which require a partially delivered human fetus to be destroyed to preserve the life or health of the mother."

Doctor Harlan R. Giles, a "high-risk" obstetrician, gynecologist, and perinatologist at the Medical College of Pennsylvania agreed with her. So did Doctor C. Everett Koop.

Now, on the other side, President Clinton says that even partial birth abortion acceptable. By now he has given at least three different reasons for his veto of the bill passed by Congress to outlaw partial birth abortion. I will not give you those reasons because by tomorrow they may be obsolete.

Upon an attempt to override the President's veto, the necessary majority of the Congress voted to sustain the veto. Most of the votes to sustain were democratic votes.

I can no longer belong to a party which says that this sort of absolutely needless barbarism is acceptable national policy.

I read the newspapers, and late at night, I watch CNN. I have read and heard the rumors that the Republican Party is not perfect. I even suspect that those rumors might be true. But, I will tell you this: The Republican Party has consistently stood up and said that, except to save the life of the mother, it is not O.K. to have a national policy of killing our unborn babies. Most recently, as a Party, the Republicans have stood up and said that, "Well excuse us, but we do not agree that it is alright to stab a baby in the back of her head, open a hole there, insert a vacuum cleaner, and suck out her brains."

It is without hesitation and without personal regret that today I leave the Democratic Party and join the Republican Party.

I know there are other important issues. I have alluded to them in the beginning of this speech. On some of those issues I may disagree with my new Republican colleagues.

But, let me tell you this: Over my 18 years as a public official I have had far more success in sensitizing Republican leaders to various human needs than I have had in sensitizing Democratic leaders to the moral outrage of abortion.

Let me tell you something else. This issue of abortion is no ordinary issue. It cannot be put into line with any number of issues on one side and weighed against all of the issues on the other side. No. This issue is different in kind. This issue is the slavery issue of the Twentieth Century. No moral person could have decided for or against the Civil War on the basis of the exportation of cotton, or upon the cultural differences between the North and the South. No. All that mattered. But there was one issue that riveted the attention of the nation, one issue that screamed for moral judgment, one issue that finally called for the "terrible swift sword." That issue was human slavery. Today that issue is human life itself.

Although it would be untrue, accuse me if you will of deciding this on the basis of one issue. I stand then with Abraham Lincoln. I stand with William Lloyd Garrison. I stand with all of the abolitionists from both centuries, and on both issues.

I want to close this speech with a different kind of thought. For years now I have said that opposition to abortion should not be based primarily upon religious beliefs. But certainly once we have established our opposition upon broader grounds, we need not be embarrassed to add to those grounds our own religious considerations.

All of us in this room, Christian and non-Christian, all of us who believe in God at all, have got to also believe that that God is still howling across the centuries: "Where is your brother...? What have you done? Listen! Your brother's blood is crying out to me from the ground." Genesis 4:10-11

Where are our brothers? Where are our sisters? Gone into the bucket. Gone into the ground. Victims of the idolatry of absolute free choice. Victims of the idolatry of unlimited ambition for public office.

Allow me, please, to reflect my own Catholic Christianity. The Second Vatican Council closed on December 8, 1965. That was 8 years before *Roe v. Wade* in this country. Even without that stimulus, the Council Fathers addressed abortion directly. They said:

"From the moment of conception, life must be guarded with the greatest of care, while abortion and infanticide are unspeakable crimes."

On March 25, 1995, in his Encyclical, "Evangelium Vitae," (The Gospel of Life), Pope John Paul II said:

"I declare that direct abortion, that is, abortion willed as an end or as a means, always constitutes a grave moral disorder, since it is the deliberate killing of an innocent human being."

And now in closing I want to return to our common Christian heritage. By happy coincidence or by the grace of God, this event is occurring just five days before Christmas.

My own favorite Christmas story is one that is, comparatively, unfamiliar.

It begins in the mind of God before all of the millennia. St. John the Evangelist brings it to us in some of the most majestic language in the history of Christianity. I first came to love it when our Church recited it in Latin at the end of every Mass. And, if you will indulge my love for the sheer beauty of the language, I will repeat a part of it here for you, first in those sounds that I once so loved to hear.

St. John closes the Prologue in this Gospel with these words:

And the Word was made flesh and dwelt among us; and we saw His glory, the glory of the only begotten of the Father full of grace and of truth.

—John 1:1-14.

Maranatha. And Merry Christmas.

INTRODUCTION OF LEGISLATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. HAMILTON. Mr. Speaker, I am pleased to introduce legislation today to clarify that the 1990 Clean Air Act Amendments do not require pollution controls for beverage alcohol compounds emitted from aging warehouses.

To meet the strictures of the 1990 amendments to the Clean Air Act, installation of pollution controls may be required for beverage alcohol—ethanol—emissions from distilled spirits aging warehouses despite the facts that the EPA recognized that such controls could adversely affect product quality and that ethanol emissions do not contribute significantly to ozone formation.

The aging process is a natural process by which distilled spirits products derive their inherent characteristics, including color, taste, and aroma. Altering this aging process by imposing emission control technology on aging warehouses could inflict an unreasonable adverse effect on the maturation process for these products and thereby jeopardize the desired quality and uniqueness of each distilled spirits brand.

Imposition of Clean Air Act emissions controls on aging warehouses would create significant costs on both the industry and the Government. First, for the industry, distillers would risk jeopardizing the quality of their products by installing pollution control technology of uncertain effect on aging warehouses.

Second, for the Government, tax revenue would be threatened by any action which significantly impacts product quality and product sales. Distilled spirits are the highest taxed consumer product in the United States and a major source of revenue for Federal, State, and local governments.

Since December 1992, the industry has tried time and time again to get a definitive answer from either the EPA or the State governments involved on the question of whether such controls are required by the 1990 amendments. While both the Indiana and Kentucky General Assemblies have passed resolutions urging EPA not to regulate beverage alcohol compounds emitted from aging warehouses, EPA has still not provided a definitive response.

The change I am proposing is only for those emissions coming from aging warehouses and does not exclude any other portions of the distilled spirits production process from Clean Air Act requirements.

TRIBUTE TO MAYOR MATTHEW CAPANO

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. ANDREWS. Mr. Speaker, I rise today to honor an individual who has given of himself to make his borough a better place to live. I am speaking of Matthew Capano, former mayor of the borough of West Paterson.

Matthew Capano's dedication to West Paterson and his fellow citizens is exemplary. Mayor Capano is a lifelong resident of West Paterson. The mayor has demonstrated his dedication to West Paterson through his long service to the West Paterson Democrat Club, including serving the club as president. Mayor Capano served his borough as a council member for the borough from 1987 until 1992. Matthew Capano took this worthy dedication to service even further during his term as mayor from January 1, 1994, to December 31, 1996.

As mayor, Matthew Capano conducted himself with a single goal, embodied in his motto: "West Paterson first!" Mayor Capano had a number of impressive achievements during his term as mayor. Mayor Capano brought financial stability to West Paterson by refusing to increase municipal taxes. He united all borough departments, organization, and residents into the single goal of working together for the good of West Paterson. The West Paterson Municipal Alliance became a model for the rest of Passaic County as a result of Mayor Capano's dedication to efficiency. Mayor Capano advanced his belief in efficient and responsible government by transforming the police department and the Department of Public Works; this transformation greatly improved their ability to respond to the needs of the people of West Paterson.

All who know Mayor Capano are honored by his service to the borough of West Paterson. I know that Mayor Capano's wife Donna and children Gina, Sarah, Matthew, and Rebecca are as proud of his accomplishments as we all are. Matthew Capano's service has been remarkable, and I congratulate and thank him on behalf of all the citizens of New Jersey.

LEGISLATION TO EXTEND MANDATORY COVERAGE OF THE INDEPENDENT COUNSEL LAW TO JUSTICE DEPARTMENT EMPLOYEES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to require the U.S. Attorney General to call for the appointment of an independent counsel to investigate allegations that Justice Department employees engaged in misconduct, criminal activity, corruption, or fraud. The bill is similar to legislation I authored in the 103d and 104th Congress.

The independent counsel provisions of the Ethics in Government Act of 1978 require the

Attorney General to conduct a preliminary investigation when presented with credible information of criminal wrongdoing by a high ranking executive branch official. If the Attorney General finds that further investigation is warranted or makes no finding within 90 days, the act requires the Attorney General to apply to a special division of the U.S. Court of Appeals for the appointment of an independent counsel. The act also gives the Attorney General broad discretion in seeking the appointment of independent counsel with regard to individuals other than high ranking executive branch officials. However, the Attorney General is not required to do so in such cases.

My bill amends the act to treat allegations of misconduct, corruption or fraud on the part of Justice Department employees in the same manner as allegations made against high ranking cabinet officials. My goal is to ensure that, when there is credible evidence of criminal wrongdoing in such cases, these cases are aggressively and objectively investigated.

I am very concerned over the growing number of cases in which Justice Department employees have been accused of misconduct, corruption or fraud. In several cases I have personally investigated, innocent men fell victim to overzealous or corrupt Federal prosecutors. No action has ever been taken against the prosecutors.

The 1992 Randy Weaver incident that took place in Ruby Ridge, ID is perhaps the most notorious and disturbing example of Justice Department employees, in this case, high ranking officials, acting in a questionable manner, and receiving no punishment other than disciplinary action. In the Randy Weaver case, an unarmed woman holding her infant child was shot to death by an FBI sharpshooter acting on orders from superiors. Former FBI Deputy Director Larry Potts allegedly approved the decision to change the rules of engagement the FBI sharpshooters and other Federal officials at Ruby Ridge were acting on. The decision allowed FBI sharpshooters to shoot on sight any armed adults—whether they posed an immediate threat or not. As a result of this decision, Vicki Weaver was shot to death while holding her infant daughter.

While several officials, including Mr. Potts, were disciplined—some forced to leave the department—no criminal charges were ever filed against any of the officials involved in the Ruby Ridge incident. I would point out that at the outset of the incident a 14-year old boy was shot in the back by U.S. Marshals. Last August, the Federal Government agreed to pay the Weaver family more than \$2 million—but did not admit any wrongdoing in the incident. The Ruby Ridge incident served as a stark reminder that the Justice Department does not do a very good job of objectively and aggressively investigating potential criminal acts or misconduct on the part of Justice Department employees. This is especially true of actions involving Justice Department attorneys.

In 1990, a congressional inquiry uncovered the fact that no disciplinary action was taken on 10 specific cases investigated by the Justice Department's Office of Professional Responsibility [OPR] in which Federal judges has made written findings of prosecutorial misconduct on the part of Federal prosecutors.

Several Federal judges have expressed deep concern over the lack of supervision and control over Federal prosecutors. In 1993, 3 Federal judges in Chicago reversed the conviction of 13 members of the El Rukn street gang on conspiracy and racketeering charges after learning that assistant U.S. attorneys had given informants alcohol, drugs, and sex in Federal offices in exchange for cooperation, and had knowingly used perjured testimony. No criminal charges have ever been made against the Federal prosecutors, nor has OPR taken any meaningful disciplinary action, other than firing one U.S. attorney.

Unfortunately for our democracy, over the years the Justice Department has built a wall of immunity around its attorneys so that it is extremely difficult to control the actions of an overzealous or corrupt prosecutor. In many instances, the Attorney General has filed ethics complaints with State bar authorities against nongovernmental lawyers who complain about ethics lapses by Federal prosecutors. How has Congress let this agency get so out of control?

The majority of Justice Department officials are hardworking, courageous, and dedicated public servants. The unethical and criminal actions of a few officials and attorneys are tarnishing the reputation of the department. By allowing these actions to go unpunished or by not taking aggressive action in the form of criminal indictments, the department is eroding the public's confidence in government.

As the El Rukn case illustrated, in their zeal to gain a conviction, Federal prosecutors overstepped the boundaries of the ethical and legal behavior. As a result, dangerous criminals were either set free or received greatly reduced sentences. Such actions are unacceptable. The Federal Government needs to act in an unambiguous and aggressive manner against any Federal prosecutor or official who betrays the public trust in such a blatant and damaging fashion. Sadly, that was not done in the El Rukn case, and countless other cases where Justice Department officials acted in an unethical or illegal manner.

The American people expect that the Justice Department—more than any other Federal agency—conduct its business with the highest level of ethics and integrity. It is imperative that the Independent Counsel Act be amended to require that allegations of criminal misconduct on the part of Justice Department employees be treated with the same seriousness as allegations made against high ranking cabinet officials. I urge all of my colleagues to support this bill, the text of which is as follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL AUTHORITY FOR APPOINTMENT OF INDEPENDENT COUNSEL.

Section 592(c) of title 28, United States Code, is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting "; or", and by adding after subparagraph (B) the following:

"(C) the Attorney General, upon completion of a preliminary examination under this chapter, determines that there are reasonable grounds to believe that—

"(i) employees of the Department of Justice have engaged in misconduct, criminal activity, corruption, or fraud, and
 "(ii) further investigation is warranted.".

INTRODUCTION OF LEGISLATION TO REQUIRE THE INSTALLATION OF EMERGENCY LOCATOR TRANSMITTERS ON AIRCRAFT

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mrs. KENNELLY. Mr. Speaker, I am pleased to rise today to introduce the Airplane Emergency Locator Act with Mr. SHAYS. This important legislation would require the installation of emergency locator transmitters in small aircraft to save lives. Unfortunately, current law exempts many types of small planes, including Lear jets, from the requirement to install these lifesaving devices.

This past Christmas Eve, two Connecticut residents piloting a plane to New Hampshire crashed near the Lebanon Municipal Airport. An extensive search in cooperation with the Federal Government and six States including Connecticut was unsuccessful in locating the plane or any survivors. This plane did not have an emergency locator device, which could have made a difference in saving the lives of these two men.

Timing is such a critical element in rescue operations. Providing additional tools for search and rescue teams to locate plane crashes more quickly can mean the difference between life and death. It is unfortunate that tragedy prompted the introduction of this legislation. But it is my hope that this event will force the necessary changes to aid future rescue efforts and save lives.

I applaud my colleague CHRISTOPHER SHAYS for taking the lead on this lifesaving legislation and I am pleased to join him today in introducing this bill, and I urge all my colleagues to join us in supporting the Airplane Emergency Locator Act.

TRIBUTE TO TOM STAPLETON

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. FAZIO of California. Mr. Speaker, after 50 years of service and leadership in the International Union of Operating Engineers Local 3, T.J. ("Tom") Stapleton is being honored by his friends and peers.

Tom Stapleton was first elected in 1982 as business manager and chief presiding officer of Local 3 of the Operating Engineers. Based in Alameda, CA, Local 3 represents 35,000 members in northern California, northern Nevada, UT, and Hawaii—the largest construction local union in the country. Tom took the helm of the union and guided it safely through the most turbulent economic times in the history of the construction industry.

A visionary in every sense of the word, Tom understood the importance of strengthening

the bridges between unions and employers for the benefit of the men and women of the construction industry. When medical costs were escalating out of control for construction workers, he brought unions and employers together to build a vast network of contract health care providers. This network, the Basic Crafts Health Care Coalition, has brought health care costs back under control.

It can be said that Tom Stapleton never picked a fight, but he never backed away from one, either. Tom organized a grassroots program that mobilized thousands of workers when the prevailing wage laws that provides stability to the construction industry were threatened. He also spearheaded the Foundation for Fair Contracting, a program which monitors the illegal construction industry and provides evidence against unscrupulous contractors who cheat their employees out of wages and benefits.

Tom has earned the admiration and respect from those in the highest levels of government, the labor movement, and the business community for his leadership and genuine care for the well-being of those who make construction their livelihood.

Mr. Speaker, I would like to take this opportunity to extend our heartfelt congratulations upon the retirement of Tom Stapleton. I know Tom will be just as successful in his future endeavors as he was at Local 3.

TRIBUTE TO NELDA BARTON-COLLINGS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. ROGERS. Mr. Speaker, during our lifetimes, we each have an opportunity to make our mark in this world. Some of us meet this challenge with tremendous gusto and commitment, and today I want to pay tribute to an outstanding woman who has done just that.

Nelda Barton-Collings is a 40-year resident of Corbin (Whitley County) in Kentucky's 5th Congressional District, which I represent. Nelda is more than a constituent. She is a friend, a certified medical technologist, a licensed nursing home administrator, a successful business entrepreneur, a political activist, a mother, a grandmother, a great-grandmother, and an inspiration to thousands of people in my home State of Kentucky.

When President Dwight D. Eisenhower said that politics should be a part-time profession for every citizen who wants to protect the rights and privileges of free people and wants to preserve what is good in our national heritage, he must have been thinking of Nelda Barton-Collings.

Nelda first ventured into politics during the late 1950's when her brother-in-law ran for tax commissioner of Whitley County. Since then, she has emerged as an effective leader in the Kentucky GOP, a committed representative for our State, and a prominent national figure. She served as Kentucky's Republican National Committeewoman for nearly 29 years—longer than any of the RNC's other members—and during the last four years she had the honor

of serving as the RNC's national secretary. She was also the first woman from Kentucky to give a major address during a Republican National Convention (1980).

But, Nelda is more than a woman involved in Republican politics. She is an accomplished businesswoman, and she has a long history of being very involved in her community. In 1990 she was elected the first woman chairman of the board for the Kentucky Chamber of Commerce. From 1990–92 she sat on the National Advisory Council to the Small Business Administration. She was appointed by President Reagan to the Federal Council on Aging and by President George Bush to the President's Council on Rural America.

The many awards and honors she has received over the years speak volumes regarding her concern for and investment in Kentucky. She was recognized in 1992 by the Kentucky Association of Health Care Facilities when they established the Nelda Barton Community Service Award in her honor. October 22, 1973, was proclaimed Nelda Barton Day by the mayor of Corbin. Additionally, she has received the Kentucky Medical Association's Outstanding Layperson Award (1992); Cumberland College's Medal of Honor (1988); the Kentucky Business and Professional Women's Kentucky Woman of Achievement Award (1982–1983); Kentucky Federation Republican Woman of the Year (1968); the Tri-County Woman of Achievement (1982); the Dwight David Eisenhower Award (1970); and I could go on and on.

Although there is no one I know of that has devoted more time and attention to Republican activities than Nelda, she has always been very well-respected by people of all political persuasions. Her number one priority has been bringing people together and pursuing ideals that will make our Nation strong. Her politics have always been marked by her concern for those around her. She has made her mark in Kentucky with a touch of class and an abundance of style.

I want to thank Nelda for all her hard work over the years on behalf of Kentuckians. While she will be greatly missed as Kentucky's representative on the Republican National Committee, I have no doubt that she will continue to serve as an inspiration to the men and women of our State.

SALUTING THE CUYAHOGA COUNTY BAR FOUNDATION AND BAR ASSOCIATION PUBLIC SERVANTS MERIT AWARD RECIPIENTS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. STOKES. Mr. Speaker, I rise today to salute eight outstanding individuals who will be honored later this week at a special ceremony. On February 14, 1997, the Cuyahoga County Bar Foundation and the Cuyahoga County Bar Association will host the 51st Public Servants Merit Awards Luncheon. At the luncheon, the honorees will receive the Franklin A. Polk Public Servants Merit Award. The individuals to be honored are: Delores Bell; Charles T.

Birmelin; Michael Flanagan; Deborah Fleischer; John P. Garmone; Rosanne O'Brien; Fred W. Papay; and Maryellen Reddy.

The Public Servants Merit Award is named in honor of a distinguished lawyer, the late Franklin A. Polk. During his career, attorney Polk was committed to recognizing the contributions of public servants. He also chaired the annual awards luncheon for 40 years.

Mr. Speaker, I take great pride in saluting the 1997 Public Servants Merit Award recipients. Each of the individuals is more than deserving of this level of recognition. At this time, I want to share with my colleagues and the Nation some information regarding the honorees.

Delores A. Bell, as an employee of the Cleveland Municipal Clerk of Courts since 1972, Delores holds the title of deputy clerk. She is responsible for maintaining a safe and secure office, sorting capias from the previous day, initial processing of tickets from the division of building and housing as well as the Department of Health and the City Income Tax Dept.

During the late 1960's through the early 1970's, Delores worked inside the voting booth on each election day.

Married to John for nearly 35 years, she is the mother of three grown children, Monte, Sonita and Tyronn. She states that her most outstanding accomplishment has been to raise her three children and be the very best mother possible. She is also proud of the fact that one child has earned two college degrees and the other two will soon earn their degrees as well. Delores states, "If I could live my life over, there are a few things I would do differently, but I would not change my walk with the eternal deity. It is best to give your children all of the time you can when they are young".

Her activities include walking miles around the track in the spring, summer and fall. For relaxation she enjoys traveling, going to the movies and meditating.

Charles T. Birmelin, a 1961 graduate of the Stenotype Institute of Washington, DC, Charles T. Birmelin began his career in the field of court reporting with Mehler and Hagestrom as a free-lance reporter for 5 years. In 1970 he came to work for the Cuyahoga County Court of Common Pleas taking the position of assistant official court reporter. By 1979, Charles has assumed the very demanding position of chief official court reporter. His responsibilities include overseeing the staff of 42 court reporters, plus two administrative staff. He services 33 judges of the court of common pleas; provides answers to persons who may have questions relating to the court reporters; as well as provide answers for the general overall supervision of the entire court reporting department and staff.

A native of Mansfield, OH, Charles also enlisted in the U.S. Army in 1962 and was decorated with the "Good Conduct Award" and the "Distinguished Service Award" before being discharged in 1965. Charles lists his outstanding accomplishments as being elected president of the Ohio Court Reporters in both 1978 and 1979 and receiving an award of being a fellow of the national court reporters Assoc. He was also an Eagle Scout and a troop leader in the Boy Scouts of America, Mansfield, OH.

For relaxation Charles enjoys fishing, boating and camping. He says he also likes to go to auctions to find that "good buy" of an antique.

Michael E. Flanagan, St. Edward's and Cleveland State undergraduate, Michael Edward Flanagan comes to his position as chief deputy bailiff of Cleveland Municipal Court based on a long family commitment to public service. His father was Chief Bailiff from 1948 to 1984 and his grandfather served in the Cleveland police department from 1921 to 1951. Michael's current responsibilities in the administrative services department include being a project leader to review current court programs to improve and modernize them. Since 1988, he has also been responsible for the design and implementation of the court's computerization [CJIS]. He also has participated in "Bailiff Basic Training" through the Ohio Peace Officer Training Council as well.

Michael is equally committed to his family and his community. The father of Colleen, Kevin, Kathleen, and Megan, and husband for 18 years to Maureen, Michael devotes his time to St. Christopher Catholic Church, Ohio Association of Court Administrators, Normandy Nursing Home, Rocky River Municipal Court Security Advisory Committee, and still finds time to coach girls softball among other activities.

In his "free" time he enjoys traveling, hiking, canoeing, and family camping. He loves spending time working on his home computer which translates into better service to the Court.

Deborah Jean Fleischer, Deborah Jean Fleischer has spent the last 27 years of her life working for the Cuyahoga County Probate Court. At the age of 19, she assumed her first position with probate court in the docket department. Ten years later she transferred to the order department where she would eventually become supervisor in 1987. Prior to this position, Deborah worked part-time in a gift shop at Cleveland Hopkins International Airport while still attending high school.

Her duties at the court include: Certifying court documents; preparing court records for filing in the Court of Appeals; doing genealogical research; and assisting the general public when necessary.

Deborah has always been involved with her community. She was a volunteer for the project learn organization which helped teach illiterate adults to read. She volunteers through her church to help deliver food to local shelters, and she is also a very strong animal rights advocate, being involved in the Berea Animal Rescue Center.

In her spare time, she loves traveling and has visited many European locales including Italy, Austria, Zurich, and Switzerland. Traveling isn't the only thing she loves to do; she has a love of animals for which her neighbors can attest. She can often be seen picking up stray animals and taking them home for care.

John P. Garmone, as clerk of court for the Lyndhurst Municipal Court, John Garmone is responsible for the preparation and maintenance of the docket, general index and other court records. He is also responsible for collecting all monies payable to the clerk's office including fines, court costs and fees, bail, garnishments, bank attachments and trusteeships. In addition to signing and issuing arrest warrants, John also supervises a staff of seven full-time deputy clerks and two part-time deputy clerks.

After graduating in 1974 from Cleveland State with a bachelor of science degree, John immediately took a position with the municipal court in Cleveland as chief deputy clerk. John also was a bail investigator with the Cuyahoga County Bail Commissions inter-

viewing and recruiting county prisoners for probationary diversion programs.

John lists his being a past president of Northeastern Ohio Municipal Court Clerks Association in 1993 as one of his outstanding accomplishments.

Married to Kathleen for nearly 3 years, he enjoys music and the theater and trying "to keep his wife in the style of living to which she has become accustomed." John also states that, "Trying to treat everyone as I would appreciate whether they are the public, coworkers, whomever and keep a sense of humor while doing it". John describes a typical day as, "Everyday is a Joke! And I would not have it any other way".

Rosanne M. O'Brien, born in Washington Island, WI, Rosanne O'Brien took a position with Cuyahoga County Juvenile Court in her senior year of high school as part of a career class. While holding a number of positions such as general clerk, numbering clerk, docketing clerk, and senior clerk typist since 1972. Her current position, assistant courtroom coordinator, is her most challenging yet. She is responsible for scheduling and reviewing cases prior to court and must speak with probation officers, attorneys, and clients to assure a smooth hearing in the courtroom. With such a diversified background, it is no wonder she has been nominated for employee of the year five times.

Rosanne is also very committed to her community, being a campaign volunteer for the American Cancer Society, American Heart Association, American Lung Association, Easter Seals and United Way. On the political side, she is also an elected precinct committee member and Chairperson for membership and attendance with the Lakewood Democratic Club.

Rosanne and her husband, James, have enjoyed over 18 years of marriage. Her two golden retrievers, Sandy and Dusty, keep her busy when she's not bowling or doing needle crafts.

Fred W. Papay, born in Cleveland, Fred W. Papay graduated from West Technical High School. He began his work with the Cuyahoga County Clerk of Courts at the age of 24 in 1971. Nominated by Gerald E. Fuerst, clerk of courts for Cuyahoga County, Fred W. Papay is chief filing clerk. His responsibilities include overseeing all of the filing for both civil and divorce cases, and all subsequent pleadings in those cases.

A sergeant with the U.S. Air Force for 3 years, Fred is a Vietnam war veteran. After serving his country, he remained on inactive duty for another 2 years.

When Fred is not busy at work filing court documents, he enjoys sports. Fred is also an avid collector of any type of sports memorabilia. He says that in addition to his fascination with sports, he loves to collect elephant statues.

Maryellen Reddy, as a journal clerk/court community service liaison in Cuyahoga County domestic relations court for over 20 years, Maryellen Reddy has a wide range of job responsibilities. Her position requires her to review all journal entries prior to any hearings or the judges' signature. She also makes sure that all documents required by the State or local rules are attached to all entries. She monitors all contempt of court cases with the court's orders for compliance with the court community service.

Maryellen has been active in the political arena as well as being an executive board committee member of the Democratic Precinct, Ward 19.

An avid Cleveland sports fan, Maryellen is proud of the fact that she has been an eight-

teen year season ticket holder in the "Dawg Pound". She also enjoys Cleveland baseball, having season tickets for the Cleveland Indians. In her leisure time, Maryellen enjoys spending time with her family and cuddling up to a good book.

OPPORTUNITIES BEING LOST

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. RICHARDSON. Mr. Speaker, I want to bring to my colleagues' attention the following editorial by my good friend Charles William Maynes. Charles is retiring from his position as editor of Foreign Policy, the magazine of the Carnegie Endowment for International Peace.

I laud Charles for his thoughts in this editorial. He clearly outlines the need for the political will to aid the developing world, both overseas and here in the United States. He makes the case for aid in international development as a tool to achieve our national interest of peacefully coexisting constitutional democracies.

Charles is not unaware of the challenges facing the disbursement of international aid. He presents several concrete ideas for reforming the way in which aid reaches developing economies. The international economic system that is the rubic under which aid is now being administered demands changes in the way development aid is collected and distributed.

As the Congress debates the level of international aid the United States should contribute, I hope my colleagues will familiarize themselves with the following article, and the rest of Charles William Maynes' work.

[From the Washington Times, Jan. 20, 1997]

OPPORTUNITIES BEING LOST

(By Charles William Maynes)

Charles Williams Maynes is retiring as editor of Foreign Policy, the magazine published by the Carnegie Endowment for International Peace. Its editor since 1980, he delivered a farewell address in Washington to a closing session Jan. 15 of the International Development Conference, which is attended annually by more than 1,000 analysts, diplomats, businessmen and politicians involved with development work in the Third World. The following are excerpts from his address, which sets out his view of the world in the years ahead:

We are in one of the most plastic periods in modern history. It is rare in history for all of the great powers to be essentially at peace with one another and for all of them to accept one another's international legitimacy. In this remarkable moment, we have such a consensus, yet we are failing to exploit it, and opportunities are being lost every day.

Anti-immigrant feeling has never been higher in the postwar period. The vicious political infighting has already resumed on Capitol Hill. Concern for others is down. The publishing sensation of the country in recent years has been a study of white and black education performance, with the subliminal message one of resignation. Why continue efforts to lift others out of their current state if those you want to help are predisposed to

remain there? Why try to help others catch up, when studies show that they never will?

The country is increasingly skeptical and cynical. Few believe that government can work. And if it can't work at home, how can it possibly work abroad in cultures we scarcely comprehend? If we cannot construct sensible development programs for south-central Los Angeles, how can we possibly expect to develop them for Haiti?

AMERICANS ARE GROWING FEARFUL

We are facing, in other words, a new pessimism that threatens all sound programs for change and reform. Much of this new pessimism toward the developing world rests on a dark vision of the future * * *

[But] the World Bank forecasts that over the next 10 years, developing countries, including the former Soviet bloc, will grow by nearly 5 percent a year, compared with a rate of 2.7 percent in the rich industrial North. In other words, the Third World is going to be the growth engine of the world economy in the coming decade.

In addition, the share of the developing countries of the world economy is already much greater than common discourse allows. If output is measured on the basis of purchasing-power parities, then the developing countries and the former Soviet bloc already account for 44 percent of the world's output. If the World Bank's estimates turn out to be right, by the year 2020, these countries will have 60 percent of the world's global output.

What is the explanation for this deep pessimism that pervades American thinking?

We have to look for the answer not in facts, but in politics. What we are witnessing is the collapse of a powerful governmental paradigm, which governed our affairs for much of the post-World War Two period. After the great war, in part because of the genuine and heroic accomplishments of that struggle, in which everyone played a role from the president to the private to Rosie the Riveter, there was a widespread belief that government could work. Men and women could band together to accomplish high and noble goals. After all, they had already done it.

LOSS OF FAITH IN GOVERNMENT

In all of our political cultures, the dominant ideology became a disguised form of social democracy, which rested on the belief that governments, if well-organized and properly funded, could change societies for the better.

Even conservatives, with the evidence of the war effort so near, were hard pressed to reject this vision. And if the war memory did not persuade them, then they were converted because they feared that unless their society had answers for searing social and economic problems, the masses might be drawn to communism, which did promise answers.

Much of the international development effort rested on that ideology of social democracy, which has now collapsed. It was believed that if the New Deal could work at home, it could work abroad. The problem was simply to find the money.

Now communism has gone as an ideological challenge. But more important, also gone is our belief that we know what works. The result is a collapse in American leadership in the development field.

U.S. DEVELOPMENT EFFORT FALTERS

American aid levels have plummeted. In the 1950s and 1960s, America pioneered the concept of development assistance. Its contributions led all others. Today, America ranks at the bottom of the [Organization for Economic Cooperation and Development] countries in terms of [aid].

A growing percentage of our aid is concentrated in the Middle East and southern Africa, both regions that enjoy high aid levels, for political reasons. . . .

The Overseas Development Council estimates that no more than 17 percent of U.S. bilateral aid now goes for development. And multilateral aid has also been infected with the political virus. The United States and other donors have pressed the World Bank to make loans to the former communist countries that, under former criteria, would never have been allowed.

The cause of human rights has also suffered severe setbacks as a result of the new cynicism. When President Clinton announced a bold, new China policy, he said that "the core of this policy will be a resolute insistence upon significant progress on human rights in China." He received widespread applause. A few months later, he was the subject of mounting criticism as commentators claimed that he was sacrificing American commercial interests on the altar of a utopian concept of human rights. He decided to abandon the policy completely.

IDEALS TAKE A BACK SEAT

In Russia, most commentators applauded the administration for approving as a Russian president bombarded a parliament into submission, even though the essence of a democratic system is respect for laws, not respect for powerful individuals.

In Rwanda, the first case of documented genocide since the Second World War, virtually no one objected as the administration resisted U.N. involvement until spurred by a secretary-general who said that he was ashamed by the inaction of the Security Council.

To general silence, our State Department attempted to talk of "acts of genocide" rather than "genocide" because use of the latter word might trigger commitments under the Genocide Convention that no one wanted to honor. It has been estimated that as little as 2,000 troops could have prevented hundreds of thousands of deaths.

In the development field, we need to shift our focus from countries to problems. With the Cold War over, our people find it difficult to understand why we continue to support foreign countries.

Perhaps the American people could understand our desire to work with others on common problems. In an age of massive international travel, the United States is necessarily concerned about international health problems. It could work with others on those common problems. People at home would understand such an expenditure.

The administration has talked in these terms, but not boldly from the White House.

JOINT EFFORTS NEEDED

Our citizens would understand common efforts to deal with international environmental problems. We are helping Mexico to clean up rivers that borders both countries. We can work with other states to protect fisheries. We can attempt to develop a bold development effort for states that generate economic immigrants for the United States.

We must understand that people in those countries will only remain when they believe that there is hope for their children, even if there may not be much for them in their own lifetime.

In the field of democracy, we also need a new approach. At least at the governmental level, we have adopted a cookie-cutter approach to democratic development. There has been too much emphasis on elections and not enough on institutions. Yet, the essence

of democracy is the web of institutions that together bring us the rule of law, rather than the whim of leaders.

In the case of Russia, the U.S. made a serious mistake in backing [President Boris Yeltsin] so unconditionally in his struggle with the Duma. We should have pressed him to reach a compromise with its members, who now look moderate compared to those who replaced them. Democracy is not attained through sudden conversion, but through patient development efforts taking years.

We must also understand that in many ethnically divided societies, the American form of democracy poses a great threat to civil peace.

MAJORITY RULE REQUIRES SAFEGUARDS

"One man, one vote" in a winner-take-all election is too brutal a form of leader-selection for such countries. It will shatter consensus and can bring on civil war. For what we want is not majoritarian democracy, but constitutional democracy. The former can be established overnight, with a single election; the latter takes years.

We say that we favor democracy worldwide. But until the mediating institutions of a constitutional democracy have evolved, won't democracy in the Arab world bring to power forces that will be profoundly anti-Western and maybe even authoritarian, although seemingly "democratic"?

With its elections and vigorous parliament, Iran is probably more democratic than most states in the Muslim world. But it has established a form of majoritarian democracy that must disturb us. There is no protection for vulnerable minorities or the dissident voice.

What we want immediately in the Arab world is decent governments that respect the fundamental human rights of their citizens. The building of real democracy is going to take decades.

We need a new approach to our campaign both for human rights and democracy. It should now be clear that the U.S. cannot impose its standards on the rest of the world. As strong as we are, we are not that strong.

We should work harder to multilateralize our human rights program. Human rights organizations contend that this administration, like its predecessors, is uncomfortable working with others in the human rights field. We must reverse this.

We need to begin to work harder to live up ourselves to international standards in the field of economic and social rights so that we can develop a common language with others. It is a disgrace that the infant-mortality rate in Washington, D.C., is higher than in many extremely poor Third World countries.

What is more disgraceful is that Washington policy-makers at times seemed more concerned with the rate in foreign countries than in their own capital. We have to recognize that the U.S. no longer has the power or enjoys the deference internationally simply to command others to behave as we wish.

NEEDED: A NEW RATIONALE FOR AID

Critical to the success of the humanitarian tradition in American foreign policy is funds.

We no longer have the Cold War to provide the excuse for large aid levels. We have to recognize that we are unlikely to be able to reverse such attitudes in the near future. There is little hope in trying to increase the aid budget under current conditions. We need a new paradigm.

We should begin to explore ways of asking those who benefit from the management of

the global commons to help pay for its upkeep. This is probably going to involve some taxation on international activities, but for reasons of accountability, if such taxes are established, their management must be subject to the control of national legislatures.

We must begin to wean some of the countries that view U.S. aid as an entitlement. The Middle East countries should be given a period over which U.S. aid to them would be significantly reduced and would be channeled into programs for regional development and global problems.

We need gun control abroad just as much as we need gun control at home. The position of the major supplier countries is an intellectual and policy scandal. The U.S. and its allies are the most culpable. The U.S. alone supplies over 70 percent of the international arms trade.

DISCOURAGE OVERSPENDING ON ARMS

We need to limit the ability of states that spend beyond a certain portion of the [gross national product] on defense to have access to the international financial institutions. We may have to offer a special exemption to states that face a unique security situation. But the ability to get such a waiver would be limited.

We need to convert the development effort from a responsibility of the rich toward the poor into a common responsibility. Every state above a certain level should be required to contribute to global-development funds. Membership in key global institutions might be keyed to such a requirement.

We should stress more South-South cooperation. We should limit the number of experts from the North, in order to reflect the success we have had in creating an enormous pool of trained expertise within the South itself.

We should insist that aid recipients agree to enter into regional projects as a condition of their aid.

TRADE, COMMUNICATIONS UNIFY GLOBE

Today, an international system is developing that is more inclusive economically and politically. Trade is pulling people together and communications are enabling them to form common views, which are a prerequisite to subsequent participation in the determination of their political fate.

But the U.S. is unable to exploit this moment because we are incapable of bold thinking. Today, we are like a musclebound giant that can't tie his shoes. We have a defense budget that is larger than all of the major countries in the world combined, but we can't reallocate the money where it would do the most good. We plan for wars that will not happen in our lifetime, and we are unable to participate in security operations that are needed today.

Meanwhile, we are largely absent in the countries whose future will determine the fate of whole regions.

In conclusion, in the current era, we must not allow inertia to define our policy. If we wish to seize the moment, all of us are going to have to think boldly. And we cannot wait for leadership from the administration or the Congress.

The more bold ordinary citizens are outside the offices of officials, the bolder they are likely to be inside. For in today's poll-driven politics, leadership lies as much with the people as with the officials. Power can lie in hands like yours. I urge you to use it.

LEGISLATION ESTABLISHING SPECIAL JUDICIAL PANEL TO SCREEN INTELLIGENCE CASES INVOLVING BREACH OF CONTRACT DISPUTES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to mandate the establishment of a special Federal judicial panel to determine whether cases involving breach of contract disputes between U.S. intelligence agencies and individuals involved in espionage on behalf of the United States should go on trial. The legislation directs the Chief Justice to assign three Federal circuit court judges, senior Federal judges, or retired justices to a division of the U.S. Court of Appeals for the District of Columbia for the purpose of determining whether an action brought by a person, including a foreign national, in an appropriate U.S. court for compensation for services performed for the U.S. pursuant to a secret Government contract may be tried in court. The bill provides that the panel may not determine that the case cannot be heard solely on the basis of the nature of the services provided under the contract. The goal of the bill is to allow individuals who have a legitimate claim against the U.S. Government regarding a secret service contract to have their day in court. Currently, these types of cases are barred from even going to trial by the Totten doctrine, which bars the judiciary from adjudicating disputes that arise out of secret Government contracts which involve the performance of secret service.

The Totten doctrine is based on the 1876 Supreme Court case of Totten versus United States. The case involved the estate of an individual who performed secret services for President Lincoln during the Civil War. The court dismissed the plaintiff's postwar suit for breach of contract, stating, in part:

The service stipulated by the contract was a secret service; the information sought was to be obtained clandestinely, and was to be communicated privately; the employment and the service were to be equally concealed. Both employer and agent must have understood that the lips of the other were to be forever sealed respecting the relation of either to the matter . . . It may be stated as a general principle, that public policy forbids the maintenance of any suit in a court of justice, the trial of which would inevitably lead to the disclosure of matters which the law itself regards as confidential, and respecting which it will not allow the confidence to be violated.

Other court rulings over the years have affirmed the Totten doctrine as it applies to breach of contract disputes arising from espionage services performed pursuant to a secret contract. Basically, the Totten doctrine prevents individuals who have performed espionage services for the United States and have legitimate claims against the Government from even having their claims heard in a U.S. court. In a paper published in the Spring, 1990 issue of the Suffolk Transnational Law Journal, Theodore Francis Riordan noted that "[W]hen

a court invokes Totten to dismiss a lawsuit, it is merely enforcing the contract's implied covenant of secrecy, rather than invoking some national security ground."

While, on the whole, U.S. intelligence agencies do their best to fulfill commitments made to individuals who perform services on their behalf, there are instances in which, for whatever reason, U.S. intelligence agencies have not fulfilled its commitments.

For example, during the Vietnam war the Pentagon and the CIA jointly ran an operation over a 7 year period in which some 450 South Vietnamese commandos were sent into North Vietnam on various espionage and spy missions. The CIA promised each commando that, in the event they were captured, they would be rescued and their families would receive lifetime stipends. Due to intelligence leaks and intelligence penetrations by the North Vietnamese, most of the commandos were captured almost immediately. Many were tortured and some were killed by the North Vietnamese. Beginning in 1962, CIA officers began crossing the names of captured commandos off the pay rosters and telling their family members that they were dead. Many of the commandos survived the war. After varying periods of time they were set free by the Vietnamese Government. Two hundred of the commandos now living in the United States filed a lawsuit last year asking that all living commandos be paid \$2,000 a year for every year they served in prison—an estimated \$11 million. Last fall, the CIA decided to provide compensation to the commandos.

Mr. Speaker, how many other cases are there in which U.S. intelligence agencies have acted in a similar manner but not settled out of court? I find it outraged that an individual who risked his or her life for the United States would not even have the opportunity to have his or her grievance heard in a court of law because of Totten.

Existing Federal statutes give the Director of Central Intelligence the authority to protect intelligence sources and methods from unauthorized disclosure. I understand the importance to national security of preventing any unauthorized leaks of information that would compromise U.S. intelligence sources and methods. That is why my legislation directs the special judicial panel to take into consideration whether the information that would be disclosed in adjudicating an action would do serious damage to national security or would compromise the safety and security of U.S. intelligence sources at home and abroad. In addition, the bill provides that if the panel determines that a particular case can go to trial, it may prescribe steps that the court in which the case is to be heard shall take to protect national security and intelligence sources and methods, including holding the proceedings in camera.

Finally, because there may be a number of cases that were never even contested because of the Totten doctrine, the bill waives the statute of limitations for any claims arising on or after December 1, 1976 and filed within 2 years of enactment of the bill into law.

Mr. Speaker, this is a responsible piece of legislation that affords both U.S. citizens and foreign nationals who perform intelligence

services for the United States of some assurance that they have some recourse if the Government does not honor its commitments. The bill also includes enough safeguards to protect national security and the safety of U.S. intelligence sources. I want to emphasize that the bill would not automatically provide compensation to anyone. It simply would allow legitimate breach of contract cases to go to trial.

Supporters of the U.S. intelligence community have criticized court involvement in intelligence cases by noting that most Federal judges do not have the expertise, knowledge and background to effectively adjudicate intelligence cases. In fact, in the United States versus Marchetti, the Fourth Circuit took the position that, basically, judges are too ill-informed and inexperienced to appraise the magnitude of national security harm that could occur should certain classified information be publicized. I must respectfully and strenuously disagree with this type of reasoning. I would point out, Mr. Speaker, that Federal judges routinely adjudicate highly complex tax cases, as well as other tort cases involving highly technical issues, such as environmental damage caused by toxic chemicals. It's absurd to assert that judges can master the complexities of the tax code and environmental law, but somehow be unable to understand and rule on intelligence matters.

The truth is, the U.S. intelligence community has become too insulated from the regulations and laws that other Federal agencies must abide by. The Totten doctrine has outlived its usefulness. There is no legitimate national security reason why an individual who was promised certain things in a contract with the U.S. Government—even a contract for the performance of secret services—should not be able to file a claim for breach of contract, and have that claim objectively reviewed based on the merits of the claim. That's all my legislation would do.

The bill would make the intelligence community more accountable to the public—without in any way compromising national security or intelligence sources and methods. It is a well-reasoned, fair bill. Most importantly, it's the right thing to do. I urge all of my colleagues to support the bill, the text of which follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ASSIGNMENT OF JUDGES TO 3-JUDGE DIVISION.

(a) ASSIGNMENT OF JUDGES.—The Chief Justice of the United States shall assign 3 circuit court judges or justices (which may include senior judges or retired justices) to a division of the United States Court of Appeals for the District of Columbia for the purpose of determining whether an action brought by a person, including a foreign national, in a court of the United States of competent jurisdiction for compensation for services performed for the United States pursuant to a secret Government contract may be tried by the court. The division of the court may not determine that the case cannot be heard solely on the basis of the nature of the services to be provided under the contract.

(b) ASSIGNMENT AND TERMS.—Not more than 1 justice or judge or senior or retired judge may be assigned to the division of the

court from a particular court. Judges and justices shall be assigned to the division of the court for periods of 2 years each, the first of which shall commence on the date of the enactment of this Act.

(c) FACTORS IN DIVISION'S DELIBERATIONS.—In deciding whether an action described in subsection (a) should be tried by the court, the division of the court shall determine whether the information that would be disclosed in adjudicating the action would do serious damage to the national security of the United States or would compromise the safety and security of intelligence sources inside or outside the United States. If the division of the court determines that the case may be heard, the division may prescribe steps that the court in which the case is to be heard shall take to protect the national security of the United States and intelligence sources and methods, which may include holding the proceedings in camera.

(d) REFERRAL OF CASES.—In any case in which an action described in subsection (a) is brought and otherwise complies with applicable procedural and statutory requirements, the court shall forthwith refer the case to the division of the court.

(e) EFFECT OF DIVISION'S DETERMINATION.—If the division of the court determines under this section that an action should be tried by the court, that court shall proceed with the trial of the action, notwithstanding any other provision of law.

(f) OTHER JUDICIAL ASSIGNMENTS NOT BARRED.—Assignment of a justice or judge to the division of the court under subsection (a) shall not be a bar to other judicial assignments during the 2-year term of such justice or judge.

(g) VACANCIES.—Any vacancy in the division of the court shall be filled only for the remainder of the 2-year period within which such vacancy occurs and in the same manner as the original appointment was made.

(h) SUPPORT SERVICES.—The Clerk of the United States Court of Appeals for the District of Columbia Circuit shall serve as the clerk of the division of the court and shall provide such services as are needed by the division of the court.

(i) DEFINITIONS.—For purposes of this section—

(1) the term "secret Government contract" means a contract, whether express or implied, that is entered into with a member of the intelligence community, to perform activities subject to the reporting requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 and following); and

(2) the term "member of the intelligence community" means any entity in the intelligence community as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. App. 401a(4)).

SEC. 2. APPLICABILITY.

(a) IN GENERAL.—Section 1 applies to claims arising on or after December 1, 1976.

(b) WAIVER OF STATUTE OF LIMITATIONS.—With respect to any claim arising before the enactment of this Act with would be barred because of the requirements of section 2401 or 2501 of title 28, United States Code, those sections shall not apply to an action brought on such claim within 2 years after the date of the enactment of this Act.

TRIBUTE TO ERNEST NIEMEYER

HON. PETER J. VISCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. VISCLOSKEY. Mr. Speaker, it is my privilege to commend an outstanding citizen of Indiana's First Congressional District, Mr. Ernest Niemeyer. On Friday, January 24, 1997, a testimonial dinner at the Radisson Star Hotel in Merrillville, Indiana, was held to honor Ernie for his 28 years of dedicated public service.

Ernie has devoted most of his life to improving and maintaining an outstanding environment for Indiana's First Congressional District. Over his distinguished career, Ernie served as a Lake County councilman for 4 years, Indiana State senator for 12 years, and Lake County commissioner for 12 years.

Ernie's public service began in 1962, when he was elected as a Lake County councilman. In 1968, Ernie was appointed to the Lake County Parks Board. Ernie was immediately elected president. Under his stewardship, the park board obtained the first two county parks: Lemon Lake and Stoney Run. In 1970, Ernie successfully ran for sixth district State senator. Ernie served his constituency as the chairman for the agricultural subcommittee. In this capacity, he introduced and was successful in passing legislation for funding projects, including the Williams Levee in the Kankakee River. Ernie was then promoted to senate majority whip. In 1984, Ernie was elected as third district Lake County commissioner, where he proudly served as a senior member. During this tenure, he served twice as commissioner board president.

Over the years, Ernie has also devoted time to numerous committees and boards. He has served as chairman of the Lake County Drainage Board and the Kankakee River Basin Commission. He also was an active member of the County Planning Commission, the Lake County Solid Waste District, and the Indiana State Association of County Commissioners.

Ernie's unselfish dedication to his civic duty must also be commended. Ernie was a member of the Lowell VFW, and Post 101 American Legion. He is a past president of the Indiana Auctioneers Association and past director of the National Auctioneers Association. Ernie was also a president of the Indiana Livestock Auction Markets Association, and he still retains membership in the Lowell Chamber of Commerce.

In addition, Ernie answered his country's call and joined the U.S. Army during World War II. He served 2 years in the South Pacific Theatre as a combat infantryman with the 158th Regimental Combat Team. This regiment was engaged in battles in the jungles of New Guinea leading to the liberation of the Philippines from the Japanese imperial forces. During those campaign battles in the Philippines, Ernie earned and was awarded the prestigious Combat Infantryman's Badge, three battle stars, and individual campaign ribbons. For bravery and dedication beyond the normal call of duty to his comrades in battle, he was honored with the Bronze Battle Star Special Award.

After returning home, Ernie took steps to begin his professional career as an auctioneer. In 1951, he graduated from auctioneers school and established one of the most successful auctioning businesses in northern Indiana. Ernie shares this business with his son, Rick.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending Ernie for his tireless efforts to improve the quality of life for Indiana's First Congressional District. Ernie, his wife, Norma, and their children, Doyle, Rick, and Pam, can be proud of his record of unselfish dedication to the public. His service will forever remain a part of north-west Indiana's great history.

PRIMARY CARE PROTECTION ACT OF 1997

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Ms. SLAUGHTER. Mr. Speaker, I am proud to have the opportunity today to introduce the Primary Care Promotion Act of 1997. This thoughtful, constructive legislation would refocus and target the current Federal Government effort to reduce the number of medical specialists graduating from U.S. teaching hospitals.

There is little debate today that our Nation is experiencing a shortage of primary care physicians and an oversupply of specialists. In 1995, there were almost 650,000 active physicians in the United States. Of those, about 384,000 were specialists, while only 241,000 were primary care providers—a ratio of 1.6 specialists for every general practitioner.

As a result of this situation, some government agencies are working to change policies that appear to encourage students or medical schools toward training specialists rather than family practitioners. Last year, the Health Care Financing Administration [HCFA] issued a regulation reducing graduate medical education [GME] reimbursement for combined residencies. The apparent purpose of this action was to reduce a perceived incentive for students to enter combined residencies, which usually train doctors for a medical specialty like child psychiatry. There are, however, a small number of combined residency programs that produce primary care physicians. My legislation would restore full GME reimbursement for residents enrolled in a combined residency program where both programs are for training in primary care, like internal medicine and pediatrics.

This legislation has been carefully crafted to preserve HCFA's intent to reduce the number of specialists trained while increasing the ranks of family practitioners. The Primary Care Promotion Act has already been endorsed by: American Academy of Pediatrics, American Osteopathic Association, American College of Physicians, National Association of Children's Hospitals, Association of Professors of Medicine, American Society of Internal Medicine, Association of Program Directors in Internal Medicine, Medicine-Pediatrics Program Directors Association, American College of Osteo-

pathic Pediatricians, Association of Osteopathic Directors and Medical Educators, Federated Council for Internal Medicine, which includes: American Board of Internal Medicine, American College of Physicians, American Society of Internal Medicine, Association of Professors of Medicine, Association of Program Directors in Internal Medicine, Association of Subspecialty Professors, and Society of General Internal Medicine.

I am pleased that Representatives RANGEL, McDERMOTT, McNULTY, and KENNEDY of Rhode Island have already joined me as original cosponsors of this legislation. I look forward to working with them and the rest of my colleagues to pass this constructive, bipartisan initiative.

IN HONOR OF ALAN L. HOFFMAN
IN RECOGNITION OF HIS OUT-
STANDING PERFORMANCE AS
SPECIAL COUNSEL TO THE AS-
SISTANT ATTORNEY GENERAL
IN THE OFFICE OF LEGISLATIVE
AFFAIRS

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. GOSS. Mr. Speaker, I rise today to call the attention of the House to the dedicated work of Alan Lawrence Hoffman as special counsel to the assistant attorney general in the Office of Legislative Affairs. During the last 18 months, Mr. Hoffman was of immeasurable help to the House Permanent Select Committee on Intelligence by expeditiously handling a range of matters of interest to the committee.

There were many difficult issues that came before the committee during the 104th Congress. Mr. Hoffman can take great pride in knowing that he approached every issue with a spirit of nonpartisanship that is a tribute to his professionalism. Mr. Hoffman should be particularly proud of his work on the Economic Espionage Act of 1996. This act will contribute substantially to the protection of U.S. trade secrets whose compromise could endanger the national security of the United States. Mr. Hoffman also helped to develop a proposal that assisted in the clarification of the mission of the National Drug Intelligence Center in Johnstown, PA.

Mr. Hoffman will continue his public service as an assistant U.S. attorney in Philadelphia. He will be genuinely missed at the Department of Justice and by members and staff of the House Permanent Select Committee on Intelligence. It gives me great pleasure to recognize Mr. Hoffman's hard work and I want to wish him well in his new and exciting career. On behalf of the committee, I want to thank him for his continued service to our country and for the unstinting nonpartisan support he gave to the intelligence community.

CHARRO DAYS, INC., CELEBRATES 60TH ANNIVERSARY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. ORTIZ. I rise today to commend all those associated with Charro Days, Inc.—the organization which sponsors a 4-day February festival in south Texas—for their 60th anniversary.

Each year, the communities of Brownsville, TX, in the United States and Matamoros, Tamaulipas, in Mexico, join forces to commemorate the exceptional international relationship found on the United States-Mexico border. Charro Days, Inc. is composed of members from both communities and oversees the three parades and festivities of the celebration. This festival, which features many bands and theme floats during Charro Days, represents the legends, cultures, international spirit, and sometimes difficult history that leads us to where we are today.

Charro Days was originally a pre-Lenten holiday, along the lines of Mardi Gras in New Orleans. It has grown from a very small festival to an extraordinary international holiday that offers a variety of music, from mariachis and conjunto to modern Tejano. It has drawn the attention of visitors and has become 1 of the top 100 events in North America as highlighted by several organizations which guide tourists to North American attractions.

In this southernmost U.S. city, our hands are joined during Charro Days with the hands of our international neighbors as we celebrate all that makes us unique. We participate in events that contribute to the preservation of our border history, heritage, and traditions of our two nations. There is song, dance, costumes, food, craftsmanship, and a celebration of our past as well as our future.

Celebrations like these ensure both nations will remain friends and compadres for a very long time to come. I ask my colleagues to join me in commending Charro Days, Inc., for their 60th anniversary.

WHAT HAPPENED TO THE PALESTINIAN CHARTER?

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. GILMAN. Mr. Speaker, on January 15, 1997, Israel and the Palestinian authority reached an agreement on a protocol for the redeployment of Israeli forces in Hebron. Accompanying the protocol is a note for the record, prepared by the U.S. Special Middle East Coordinator, Ambassador Dennis Ross, which specifies reciprocal actions that must be taken by both Israel and the Palestinian Authority. U.S. officials have described this note for the RECORD as a road map for further progress in the peace process.

Among its various provisions, the Note stipulates that the Palestinian side must "complete the process of revising the Palestinian

National Charter" to expunge from it all clauses inimicable to Israel. Previously, both the Clinton administration and the PLO claimed that the charter had been changed by a vote taken by the Palestinian National Council [PNC] in April 1996. That vote claimed to have canceled all clauses in the charter which contradict the letters exchanged between the PLO and the Israeli Government.

But at the same time, the PNC ordered the adoption of a new charter, which would demonstrate to the world the exact textual changes made with regard to Israel. It referred the matter to a legal committee that was charged with submitting a new draft charter by October 24. Nothing happened then, and Yasir Arafat failed to meet this obligation in violation of the PLO's stated commitment. Moreover, the fact that the charter revision is included in the note drafted by Ambassador Ross is evidence that the Clinton administration know acknowledges that the Palestinian side is not in compliance.

Several weeks ago, the PNC delegated to another special legal committee the authority to draft a new charter. However, many questions still remain unanswered. In delegating authority, the PNC once again did not specify which clauses in the charter require amendment, nor did it specify a deadline for the revised text.

More recently, Chairman Arafat reportedly told two French publications that the Palestinians have already fulfilled their commitments, and that he does not intend to adopt a new charter because the Israelis do not have a constitution. "When they will have one," Mr. Arafat said, "we will do the same."

Mr. Speaker, such utterances from Mr. Arafat are not helpful to progress in the peace process. Mr. Arafat knows what he had to do. There is no reason for further delay.

Mr. Speaker, the PLO's failure to amend the Palestinian Charter is a violation of the peace agreements with Israel. That failure, along with continued hostile rhetoric toward Israel, indicates a lack of sustained commitment by Yasir Arafat to the peace process. Accordingly, I call on Chairman Arafat to demonstrate his commitment to peace by leading the effort to amend the Palestinian National Charter at the earliest possible opportunity. That is his responsibility. We will be watching his actions closely. The time has come and gone for prompt compliance. Further delay is additional evidence that Chairman Arafat and the PLO are not willing to meet.

TRIBUTE TO WILLIAM J. PERRY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. MURTHA. Mr. Speaker, I rise today to pay tribute to William J. Perry, who retired on January 24, 1997 as our 19th Secretary of Defense of the United States.

Dr. Perry has a long and distinguished record of serving his country. In the 1970's and 1980's, Bill's work on stealth technology for the Defense Department earned him the title "father of stealth." We all know how im-

portant this technology has become to our military and to our Nation. Bill was at the forefront of many other technology breakthroughs as well that today give America's forces the ability to dominate any potential adversary on the field of battle.

But I think crowning achievement came in quite a different arena than the scientific laboratories and high technology factories of this country. Beginning on "day one" of his tenure as Secretary of Defense, Bill Perry became a tireless advocate for the people who are the heart and soul of America's military might. He has led the fight for better pay, better housing, better health care, decent retirement benefits, and maintaining the highest standard of training for our men and women in uniform. This is not cheap and it is certainly not easy to accomplish given the competition we have for limited funds in a declining defense budget.

But Bill Perry has been true to the principle he so often recites: "Take care of the troops, and they will take care of you." Bill understands the lesson history tries to teach us again and again, but some never learn. That is, you can have the best military equipment in the world, but if you don't have well trained and well motivated people to operate that equipment, you don't have much. During his tenure Bill Perry put the men and women in uniform first, and those men and women have taken care of this country.

Over the years, some who don't know Bill well have misunderstood his quiet and studious manner to mean that he might waver on certain issues. Nothing could be further from the truth. Bill has been a rock when it came to fighting for this administration's core defense policies. After 3 years of holding the reins at the Pentagon, he has left no doubt in anyone's mind that the readiness of our forces and the quality of life for the men and women who serve would come first, and he followed through on those convictions. For this I salute him.

Secretary Perry has had other important achievements as well. I know he is especially proud of his efforts to reduce the nuclear danger, particularly in Russia, Ukraine, Belarus, and Kazakhstan. Under Secretary Perry's steady hand, the sometimes foundering Cooperative Threat Program got off the ground to help these countries destroy over 4,000 nuclear warheads aimed at the United States and dismantle more than 800 bombers and ballistic missile launchers. This program also has been instrumental in helping the former Soviet nuclear states put tighter controls on nuclear materials such as highly enriched uranium to keep them from finding their way into the global marketplace.

These are real, measurable national security accomplishments that have made the world safer, and Bill Perry deserves to be proud of his record.

Mr. Speaker, Bill Perry made a difference throughout his many years of service to our country. On behalf of the Congress, and on behalf of the citizens of our great Nation I want to say to Bill and his family: "Thank you for a job well done, and Godspeed".

The most suitable closing to this tribute I can think of is in Bill's own words. I ask unanimous consent to enter into the RECORD Secretary Perry's farewell address delivered at Ft.

Myer on January 14, 1997. His words are eloquent and poignant.

WILLIAM J. PERRY, SECRETARY OF DEFENSE
FAREWELL ADDRESS—FT. MYER, JANUARY 14, 1997

I shall be telling this with a sigh.
Somewhere ages and ages hence.
Two roads diverged in a wood, and I—
I took the one less traveled by.
And that has made all the difference.

—ROBERT FROST

Four years ago, America faced a choice; a choice between two roads that diverged. One road led to isolation and apathy, the other road, to engagement and action. This century has taught us that the road of isolation and apathy leads to instability and war.

President Clinton chose the road of engagement and action. He strove to bridge the Cold War chasms; to reduce its nuclear legacy; to reach out to former adversaries, to prevent the conditions for conflict, and to create the conditions for peace. And *that*, as Robert Frost has said, has made all the difference.

It has made all the difference in Europe, where, by establishing the Partnership for Peace we have replaced an Iron Curtain which divided the nations of Europe with a circle of security which brings them together.

It has made all the difference in our own hemisphere, where all nations, save one, have chosen democracy, and by establishing the Defense Ministerial of Americas we have forged new links of trust and cooperation.

It has made all the difference in the Asia Pacific, where by establishing a Framework Agreement we froze the North Korean nuclear program and prevented a nuclear arms race; and where, by strengthening the Security Agreement with Japan, we have ensured America's security presence—the oxygen that fuels the region's prosperity.

Choosing the right road has made all the difference around the world. By executing the Nunn-Lugar program, we have dismantled 4,000 nuclear weapons that once targeted America's cities. Today, the threat of nuclear holocaust no longer hangs like a dark cloud over the heads of our children.

Four years ago, the Department of Defense faced a choice. One road was well-traveled and easy to follow, but it would have allowed our forces to atrophy as we completed the post-Cold War draw down. The other road was less traveled by, twisting and bumpy with hard choices—hard choices to ensure that we had strong capable military forces ready to respond in a world of new dangers.

Twice before in this century when faced with that same choice, we chose the well-traveled road of neglect. And we paid the price—in Korea with Task Force Smith, and after Vietnam with a Hollow Army. This time we chose the road less-traveled by—the road of readiness. We established training as our highest priority. Training designed to make the scrimmage tougher than the game. We established the iron logic that quality of life for our forces meant quality people in our forces. We reformed our acquisition system to give our quality people the most effective technology. Technology that enables them to dominate the battlefield; to win quickly, decisively, and with minimum losses. And *that* has made all the difference.

It made all the difference wherever we sent our forces to prevent, deter, or defeat aggression. In Haiti, where we restored democracy. In the Arabian Gulf, where we contained a brutal dictator. In the Korean Peninsula, where we stood firm with an ally. In Bosnia,

where we have stopped the killing and brought to a war-ravaged people the blessings of peace. The readiness road ensured the success of each of these missions. Readiness made all the difference.

Four years ago, I faced a personal choice between a well-traveled road to a quieter life, centered around family and friends; and a less-traveled road that led to turmoil, tension, and tough decisions. But it also led to an opportunity to serve our nation, to support the troops I cared for, and to achieve the dreams I cherished.

I thought long and hard upon that choice and took counsel from sage friends. I questioned my wisdom, my patience and my ability to endure. But the courage to meet the test came from the advice of a tough sergeant major: "Take care of the troops," he said, "and they will take care of you."

I have followed that advice, and that, for me, has made all the difference.

It made all the difference every time I advised the President on when and how to use military force. It made all the difference when I negotiated with ministerial colleagues, when I met with Presidents and Kings. It made all the difference when I decided on force levels, mission goals and rules of engagement every time we put our troops in harm's way. It made all the difference when I met with soldiers, Sailors, airmen and Marines, in distant lands, on domestic bases, on training fields, ships at sea in cargo planes, or fighter jets. It made all the difference when I shared Thanksgiving meals with them in Haiti, in Macedonia, in Bosnia.

That advice—"Take care of the troops, and they will take care of you"—has made all the difference as I learned from my mistakes, as I took pride in my achievements.

Today I say farewell to the President who honored me by asking me to serve as Secretary. I say farewell to my colleagues in the administration who worked with me to achieve common goals. I say farewell to my friends in the media, and in the Congress, and to the wonderful friends I have made in the embassies.

And I say farewell to our military leaders who have served our country so brilliantly. They have prepared our forces for war, but they are dedicated to peace. Ellie Wiesel has said, "Peace is not God's gift to mankind. It is our gift to each other." And for the last four years peace is the gift we have given the American people.

But the hardest farewell to say is to the troops who have served me and whom I have served. Words cannot adequately describe my pride in you. So my farewell to you is a simple benediction:

May the Lord bless you and keep you. May the Lord cause His face to shine upon you, and give you peace.

REGARDING TERM LIMITS

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. DICKEY. Mr. Speaker, due to an inadvertent staff error, my name was added as a cosponsor to House Joint Resolution 2. Although my position has always been strongly in favor of limiting the number of terms for Congress, House Joint Resolution 2 does not comply with the State of Arkansas' congressional term limits amendment passed on No-

vember 5, 1996, as amendment 73 to the State Constitution. Unfortunately, House Joint Resolution 2 was reported from committee last week, and under the rules of the House, I am unable to remove my name as a cosponsor. My name being added as an original cosponsor to a resolution by Mr. HUTCHINSON containing the exact language contained in the Arkansas term limit amendment. Further, I plan to vote in favor of the Hutchinson resolution and against all other proposals that contain limits longer than 6 years for House Members since this represents the dictate of the recently passed amendment to the State Constitution.

AMBASSADOR MALEEH AH LODHI

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. LIVINGSTON. Mr. Speaker, I want to take this opportunity to recognize the outgoing Ambassador of Pakistan, Dr. Maleehah Lodhi, for her distinguished service. Ambassador Lodhi returned to Pakistan on January 31, 1997. As many of my colleagues will attest, Ambassador Lodhi was a strong and objective advocate of her country and for freedom and democracy worldwide. Pakistan has been a great friend and ally of the United States. I can say with confidence that the Ambassador's tireless work over the past 3 years has enhanced and improved this bond. In fact, her endeavors contributed greatly to recent advances in our nations' relations. Advances that I believe we can look forward to seeing develop in the future. I wish her all the best.

TRIBUTE TO HERB CAEN, SAN FRANCISCO'S BELOVED "BOSWELL BY THE BAY"

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. LANTOS. Mr. Speaker, I invite my colleagues in the Congress to join me in paying tribute to San Francisco journalist Herb Caen, who died last week at the age of 80. For 60 years, he has been a staple of San Francisco journalism, and, in the words of the New York Times, he is "a columnist known for his ardor for San Francisco." He began his career in the bay area in 1936 when he joined the San Francisco Chronicle, and his well-known column first appeared on July 5, 1938. Last year, as my colleagues will recall, Mr. Caen was awarded a Pulitzer Prize for his "continuing contribution as a voice and a conscience of his city." I called the attention of my colleagues in the Congress to Herb's honor on that occasion and paid tribute to him in the RECORD in April of last year.

Mr. Speaker, I invite my colleagues to join me now in honoring the memory of Herb Caen for his contribution to the uniqueness of our delightful city of San Francisco and for his contribution to journalism. Mr. Speaker, I also invite my colleagues to read the obituary of

Mr. Caen that appeared in the New York Times.

[From the New York Times, Feb. 2, 1997]

HERB CAEN, NEWSPAPER WRITER, DIES AT 80

(By Michael J. Ybarra)

SAN FRANCISCO.—Herb Caen, whose 60-year journalism career was devoted to doting on San Francisco and whose affections were more than amply requited by legions of ardent readers, died this morning at the California Pacific Medical Center here. He was 80.

To call Mr. Caen "Mr. San Francisco," as was sometimes done, was redundant. No other newspaper columnist has ever been so long synonymous with a specific place. To his fans, Mr. Caen (pronounced cane) was sui generis, a towering icon in his adopted hometown—although he was largely unknown in much of the nation, his column of stubborn localisms not even traveling well across the San Francisco Bay.

But in the city, and no one ever doubted what city he was talking about, Mr. Caen enjoyed the status of a beloved Boswell by the Bay.

Part of his appeal seemed to lie in the endless bonhomie he projected, always nattily turned out in suit and fedora, often with a martini glass in hand. Mr. Caen exuded a whiff of elegance from a bygone era.

Indeed, his role model was Walter Winchell, the legendary gossip monger, but with the malice shorn off. And unlike Winchell, who outlived his own celebrity and doddled on into obscurity, Mr. Caen's status as a living landmark grew with his longevity.

In April 1996, Mr. Caen turned 80, won a special Pulitzer Prize for his "continuing contribution as a voice and a conscience of his city" and married his fourth wife. In May, he told his readers that he had inoperable lung cancer—he smoked for 40 years but quit 25 years ago—and 5,000 letters poured in. The city proclaimed June 14 Herb Caen Day and 75,000 people turned out to shower the writer with affection.

Mr. Caen was born in Sacramento on April 3, 1916, although he often said he had been conceived while his parents were visiting San Francisco. He wrote a high school gossip column called "Raisens' Caen" and after graduation he went to work as a sportswriter at The Sacramento Union. In 1936, he landed a job at The San Francisco Chronicle, arriving in town when Coit Tower was only three years old and ferries were the only way to cross the bay.

Mr. Caen began writing his column on July 5, 1938, and wrote it six days a week until 1991, when he cut back to five and later to three. "I can't find a way out: too many bills and ex-wives and a kid in school, things that chew up the income," he told an interviewer just before he turned 80. "I never intended this to be permanent, but it looks like it's going to be."

He is survived by his wife, Ann Moller, and a son, Christopher, from a previous marriage.

Except for an eight-year sojourn at its rival, The Examiner, Mr. Caen has been a fixture of The Chronicle, and, according to surveys, better read than the paper's front page. Editors had even estimated that as many as a fifth of the paper's 500,000 readers might cancel their subscriptions after Mr. Caen's death.

So avid were his fans that for years The Chronicle even ran old columns on Sunday, packaged as "Classic Caen." Local bookstores are full of still in-print copies of old columns recycled into tomes.

The columns combined gossip, news, word play and love to San Francisco and those lucky enough to live there, even when acknowledging the unpleasant side of the city. "The hookers are brazen, the abalone is frozen, and every night is Mugger's Day," he wrote in 1971. "Yet, in spite of it all, San Francisco remains one of the great tourist cities. Most triumphantly, there is life in the streets—raw, raucous, roistering and real."

Over the years Mr. Caen's journalistic work habits became as effortless as breathing: he wrote in the morning, held court in bars or cafes in the afternoon and took the pulse of the city at A-list events in the evenings, where the man with the cherubic smile and bald pate fringed with curly gray hair was as much a star as anyone he wrote about.

Though the self-deprecating Mr. Caen referred to his daily output, pounded out with two fingers on a Royal typewriter, as journalistic stoop labor, he tossed out more than a few enduring bons mots. Baghdad-by-the-Bay and Berserkeley were his coinage. "Don't call it Frisco," he admonished readers once, and locals never did again.

A play has been based on his columns and a mention in the same spot has been said to have saved numerous productions and restaurants.

At the same time, critics complained that he did not pay for his own meals or clothes or even always write his own column—charges that Mr. Caen never failed to shrug off, along with criticism that he was getting bitter in his old age. "That started when I was about 30," he recalled once. "Herb, you're getting old and bitter."

But on Herb Caen Day, when a three-mile stretch of waterfront sidewalk was named in his honor, the columnist was all honey. "I've loved this town before I was born, and I'll love it after I'm gone," he told the crowd. "One day if I do go to heaven, I'm going to do what ever San Franciscan does who goes to heaven—he looks around and says, 'It ain't bad, but it ain't San Francisco.'"

LEGISLATION TO EXTEND COMMUNITY NURSING CENTER DEMONSTRATIONS INTRODUCED

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. RAMSTAD. Mr. Speaker, as a strong supporter of home- and community-based services for the elderly and individuals with disabilities, I rise to introduce legislation I sponsored in the 104th Congress to extend the demonstration authority under the Medicare program for Community Nursing Organization [CNO] projects.

CNO projects serve Medicare beneficiaries in home- and community-based settings under contracts that provide a fixed, monthly capitation payment for each beneficiary who elects to enroll. The benefits include not only Medicare-covered home care and medical equipment and supplies, but other services not presently covered by traditional Medicare, including patient education, case management and health assessments. CNO's are able to offer extra benefits without increasing Medicare costs because of their emphasis on primary and preventative care and their coordinated management of the patient's care.

The current CNO demonstration program, which was authorized by Congress in 1987, involves more than 6,000 Medicare beneficiaries in Arizona, Illinois, Minnesota, and New York. It is designed to determine the practicality of prepaid community nursing as a means to improve home health care and reduce the need for costly institutional care for Medicare beneficiaries.

To date, the projects have been effective in collecting valuable data to determine whether the combination of capitated payments and nurse-case management will promote timely and appropriate use of community nursing and ambulatory care services and reduce the use of costly acute care services.

Authority for these effective programs was set to expire December 31, 1996. Mr. Speaker, while I was glad to Health Care Financing Administration [HCFA] extended the demonstration authority for the CNO projects using administrative means, I was disappointed this extension was only for 1 year. HCFA stated that the authority was extended to allow them to better evaluate the costs or savings of the services available under the program, learn more about the benefits or barriers of a partially capitated program for post-acute care, review Medicare payments for out-of-plan services covered in a capitation rate, and provide greater opportunity for beneficiaries to participate in these programs.

Frankly, in order to do all this analysis of the program, we need more than one year. We need to act now to extend this demonstration authority for another 3 years.

This experiment provides an important example of how coordinated care can provide additional benefits without increasing Medicare costs. For Medicare enrollees, extra benefits include expanded coverage for physical and occupational therapy, health education, routine assessments and case management services—all for an average monthly capitation rate of about \$21. In my home State of Minnesota, the Health Seniors Project is a CNO serving over 1,500 patients in four sites, two of which are urban and two rural.

These demonstrations should also be extended in order to ensure a full and fair test of the CNO managed care concept. These demonstrations are consistent with our efforts to introduce a wider range of managed care options for Medicare beneficiaries. I believe we need more time to evaluate the impact of CNOs on patient outcomes and to assess their capacity for operating under fixed budgets.

Mr. Speaker, it is important to recognize that the extension of this demonstration will not increase Medicare expenditures for care. CNOs actually save Medicare dollars by providing better and more accessible care in home and community settings, allowing beneficiaries to avoid unnecessary hospitalizations and nursing home admissions. By demonstrating what a primary care oriented nursing practice can accomplish with patients who are elderly or disabled, CNOs are helping show us how to increase benefits, save scarce dollars and improve the quality of life for patients.

Mr. Speaker, I urge my colleagues to consider this bill carefully and join me in seeking to extend these cost-savings and patient-enhancing CNO demonstrations for another 3 years.

WEED THE SEED PROGRAM

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. TRAFICANT. Mr. Speaker, in 1989, at a time when communism was beginning to fall in Eastern Europe, Congress approved the Support for Eastern European Democracy [SEED] Act. The purpose of the SEED Act was to provide special enterprise funds to assist the fledgling democracies in the development of free-market economies. Originally intended to be used for economic restructuring and all-important humanitarian relief, the funds have become part of a never-ending web of corruption and mismanagement. America has already lost millions and millions of dollars of hard-earned taxpayer money through these funds, yet we keep throwing more good money after bad.

The funds were established as private, non-profit corporations. As such they are subject to little government oversight. According to a 1990 Senate Appropriations Committee report (101-519) the only role that the U.S. Agency for International Development [USAID] is to have in the process is to "simply write the check on a periodic basis when the enterprise funds determine that additional funding is necessary." This was done to give the boards of directors and the funds' managers wide latitude in determining how to invest the money and also to allow them the flexibility to react to market situations. While on the surface this may appear to be the best way to encourage the growth of market mechanisms, better, in fact, than traditional aid programs, it actually amounts to a situation in which there is no accountability to the investor, namely the American taxpayer. When the funds lose money as a result of poor investment practices it is the taxpayer who ultimately loses, with no way to recoup those losses.

Unfortunately, it is not uncommon for money to be lost as a result of an ill-advised investment. There is a significant lack of quality personnel who are willing to relocate to Eastern Europe to oversee the funds. As a result the most prudent courses are not followed and it is almost the norm for investments to result in a net loss. In addition, the proper economic and political environments, to foster success, often do not exist. As an example, the original schedule for disbursement was to be carried out in lump sums over 3 years. However, the funds are experiencing difficulty in meeting this schedule and thus it has been extended. Other funds, such as the Hungarian Fund and the Polish Fund have requested, and the Polish Fund was granted, supplemental funding demonstrating that the funds are not self-sustaining, as was originally intended. The most striking example, however, of the failure of funds' investments, is the case of the Czech and Slovak American Enterprise Funds (CSAEF). Authorized in 1991, the first two large investments failed terribly, resulting in a loss of \$2 million. In all bad investments have resulted in a loss of two-thirds of the CSAEF investment portfolio.

A 1995 investigation conducted by an inspector general of U.S. Agency for International Development confirmed allegations of

mismanagement and corruption within the system. Skyrocketing overhead costs are largely the result of corrupt management practices, as money is often used to line the pockets of corrupt profiteers. The president of the Hungarian Fund was found to have paid two U.S. executives salaries upwards of \$400,000, forcing a salary cap to be imposed. Even more disturbing is the fact that a Hungarian government official received payments through the fund. The CSAEF, in addition to making poor investments, has been embroiled in scandal. John Petty, former deputy chairman of the CSAEF, was forced to resign due to his improper conduct in managing fund monies. The investigation discovered that he gave his mistress, who was working for the fund as an executive assistant, a more than 50 percent raise so that her salary amounted to \$85,000 per year.

The funds have simply not served their purpose. Corruption and mismanagement, coupled with poor environments for investment, have kept the funds from being an effective mechanism in moving Eastern Europe toward a market economy. The money has not been used for its original intent, economic restructuring and humanitarian relief. Instead, investments have been mismanaged and corruption has been a trademark of the system.

At a time when we are searching for ways to balance the budget, when some even go so far as to propose an amendment to the Constitution, we cannot afford to waste money overseas. Rather than continuing to slash to the bone funding for vital domestic programs, it seems logical to eliminate programs that simply do nothing to benefit the American people. This program wastes hard-earned taxpayer dollars. The American people deserve to have their money work for them, not to have it squandered abroad. H.R. 564 will prohibit USAID from spending any money allocated to it to finance the funds and will effectively phase them out over 2 years following its passage into law.

It is time to end wasteful overseas spending and to put that money to better use here at home. To that end, I encourage Members of Congress to join me by cosponsoring H.R. 564.

LOVE YOUR NEIGHBOR WEEK IN DADE COUNTY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize "Love Your Neighbor Week" and its driving force, Jim Ward.

Encompassing Valentine's Day, the week seeks to encourage reaching out to all people in the community. Its mission is to identify us as a community that cares for all people without regard to race, ethnicity, religion, or social status. Toward that goal, Mr. Ward is seeking to mobilize all organizations that call south Florida home. This includes public, private, educational, business, and civic groups.

The pledge asks individuals to "live the spirit of Love Your Neighbor [LYN] in my daily life;

to be kind and considerate to everyone; and to unite my community through thoughts, actions, and words." Organizations are asked to display LYN decals and signs and employees are asked to use the phrase in greeting customers.

Mr. Ward, a 27-year resident of south Florida, and Dade County's human resources director, is the man who put together this celebration of community. He has pledged to "go anywhere in behalf of the cause and to do all the work" necessary to see that this program gets off the ground.

Mr. Ward and all the volunteers who have put this healing exercise together deserve our thanks and support in their effort to make the world a better place.

LEGISLATION TO RAISE AWARENESS OF MAMMOGRAPHY AND BREAST CANCER GUIDELINES INTRODUCED

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Ms. DUNN. Mr. Speaker, on January 23, the National Cancer Institute declined to recommend that women in their forties seek annual breast cancer screening. Research into the benefits of mammography for women in this age group is wholly inadequate. Further, without definitive guidelines, the lives of America's mothers, wives, sisters, and daughters are at risk. This year, an estimated 33,000 women in their forties will be diagnosed with breast cancer—these are women in the prime of their lives, women whose children are still in kindergarten, and women entering the peak of their careers.

Guidelines for women aged 40 to 49 were in place until 1993, when they were rescinded by the National Cancer Institute. This occurred despite the lack of confidence in available research and differing opinions by respected medical organizations on the wisdom of the rescission. Research performed in two studies last year found a 44 and 36 percent lower death rate among women who received mammograms in their forties, and a number of studies have shown that breast tumors in women under the age of 50 may grow far more rapidly than in older women, suggesting that annual mammograms are of value to women in this age group.

Congress must take an active role in this issue and that is why I am introducing this bipartisan resolution that calls for one, additional research into the benefits of mammography for women aged 40 to 49, and two, a strong request that the advisory panel for the National Cancer Institute consider reissuing the guideline rescinded in 1993 for mammography for women when it convenes in February 1997, or until there is more definitive data, direct the public to consider guidelines by other organizations. The resolution will serve as the House's opportunity to concur with the Senate's statement on this matter, when on February 4, it approved Senator SNOWE's bill, S. Res. 47, by a unanimous vote of 98 to 0.

Mr. Speaker, and distinguished colleagues, please support this vital resolution that helps

raise awareness of mammography and breast cancer guidelines.

INTRODUCTION OF A HOUSE CONCURRENT RESOLUTION CONGRATULATING THE REPUBLIC OF NICARAGUA ON HOLDING DEMOCRATIC ELECTIONS

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. HOUGHTON. Mr. Speaker, I rise today, along with a group of colleagues, to introduce a concurrent resolution which does primarily two things: First, it congratulates the Republic of Nicaragua on holding democratic elections to elect an entirely new government, and second, it celebrates the peaceful swearing-in of a new President in Nicaragua. Along with me as original cosponsors of this resolution are BEN GILMAN, who is chairman of the House International Relations Committee, ELTON GALLEGLY and GARY ACKERMAN, the incoming chairman and ranking member of the Western Hemisphere Subcommittee, and CASS BALLENGER, my colleague on the International Relations Committee. I thank them for their support and assistance in putting this bill together.

My interest in Nicaragua started in 1988, when I first traveled there with a delegation of educators from my district to promote the values of education, and set up a private scholarship program for Nicaraguan students to study in the United States. While there, I met an extraordinary woman named Violeta Barrios de Chamorro, the wife of Pedro Joaquín Chamorro, who was then editor of *La Prensa*. Two years later, I revisited Nicaragua with Elliott Richardson as part of the United Nations' Electoral Observation team to witness Violeta Chamorro's victory in Nicaragua's first democratic elections.

I returned again in 1993 with Priscilla and two of my grandchildren to see for ourselves the tremendous changes that Nicaragua had undergone under her steady and courageous leadership. In September of 1995, we hosted a luncheon for President Chamorro here in the Capitol where, joined by Senators CLAIBORNE PELL and TOM HARKIN, and Congressmen TORRES and BILL RICHARDSON, we continued our discussion of the far-reaching changes that Nicaragua had undergone in the past 5 years.

On October 20, 1996, democratic elections were held across Nicaragua to elect an entirely new government. Over 80 percent of the country's 2.4 million eligible voters cast their ballots for the President and Vice President, National Assembly and Central American Parliament Deputies, and mayors. These elections were not perfect—there were complications and irregularities in the process—yet a large group of international and domestic observers declared that the elections were ultimately free and fair, and a legitimate expression of the will of the people of Nicaragua.

The candidate of the Liberal Alliance Party, Arnoldo Aleman, who was previously mayor of Managua, was elected President by a margin

of 49 to 38 percent over Daniel Ortega, the leader of the Sandinista Front [FSLN]. Aleman's alliance did not win an outright majority in the National Assembly, which leaves the Sandinistas with sufficient representation to be the country's leading opposition party.

On January 10, 1997, representatives from the United States and around the world witnessed the peaceful transition of the power of the presidency from Violeta Chamorro to Arnoldo Aleman. President Aleman immediately promised to continue the economic and social reforms started by the Chamorro administration, and most importantly, to work together with the other political parties to build a lasting peace and democracy in Nicaragua.

Mr. Speaker, the new Nicaragua is a country to be proud of. It is a success story. From a society bitterly divided by years of conflict comes a stable government with all of the new freedom that evolves along with democratization. Are there still problems in Nicaragua? Absolutely. The road to a lasting peace and democracy is a long one. There is no final destination. This bill recognizes that Nicaragua has come a long way since the turmoil of the 1980's. It also reaffirms the United States' commitment to promoting democracy throughout the Western Hemisphere.

Mr. Speaker, I hope you and all of my colleagues will join me today in congratulating the people of Nicaragua on the success of their elections.

INTRODUCTION OF A BILL TO ABOLISH THE FEDERAL APPROPRIATION FOR THE TENNESSEE VALLEY AUTHORITY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise to introduce a bill abolishing the direct annual Federal appropriation to the Tennessee Valley Authority [TVA] at the end of fiscal year 1997. The elimination of this subsidy which has been provided by Congress since TVA's creation in 1933 is something that has been long overdue. I urge my colleagues to join me in cosponsoring this bill.

As a product of the new deal, the TVA was created as an independent, government-owned corporation exempt from taxation. Its original mission was to bring electricity and lights to the Appalachian hills and foothills. TVA serves a population of more than 7 million people in an 80,000 square mile region in Tennessee and parts of Alabama, Georgia, Kentucky, Mississippi, North Carolina, and Virginia. By some accounts the TVA is the Nation's largest utility.

Over the years TVA's mission has expanded to a point where some projects it currently undertakes are questionable at best. For example: Why would TVA be doing ozone research for the Federal Government when we already have an Environmental Protection Agency? What is TVA doing in China promoting trade when they are wholly owned by the U.S. Government and we currently have a Commerce Department to promote trade?

In fiscal year 97 TVA received \$106 million for its non-power programs which includes five major areas: Stewardship, Water and Land, Land Between the Lakes, Economic Development and the Environmental Research Center. Recently, TVA's chairman Craven Crowell recommended that TVA stop receiving an annual Federal appropriation for its non-power programs. I couldn't agree with him more and for that reason I am introducing this bill to speed the process along.

My bill would stop all funding for TVA's non-power programs at the end of this fiscal year and not at the end of fiscal year 1999 as Chairman Crowell recommends. It simply amends Section 27 of the TVA Act of 1933 to authorize no more direct Federal monies for the TVA. With annual revenues of over \$5 billion, TVA should not find it very difficult to abide by this new proposal. It should be the ratepayers of that region which fund TVA's activities not taxpayers all across the Nation. Pull the plug on the TVA now!!!!

INTERNATIONAL POPULATION ASSISTANCE

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. SKAGGS. Mr. Speaker, perhaps as soon as next week we will be debating the first foreign policy question to come before the House in this Congress—the rate of expenditure of appropriated funds for international population assistance.

This is a very important matter, one that will directly affect the quality of life of individuals and families around the world. It deserves careful attention by all Members.

Central to the debate will be the relationship between the restrictions that some seek to place on international assistance in this area and the incidence of abortion.

A recent issue of the Durango Herald included an article by the President of the Population Institute discussing exactly this point. Because I believe that it makes points that should be considered in the upcoming debate, I am including it in the RECORD for the benefit of all Members.

[From The Durango (CO) Herald, Feb. 2, 1997]

DEBUNKING ABORTION MYTHS—INCREASED CONTRACEPTIVE USE DECREASES RATE OF ABORTION

(By Werner Fornos)

Sometimes the line between dedication and obsession is pencil-thin.

An example is the 1994 shooting spree by anti-choice fanatic John C. Salvi III that left two dead and five injured at two health clinics in Brookline, Massachusetts.

Another example is the effort by anti-choice forces in Congress to kill U.S. government international family planning efforts.

It is far-fetched to compare a psychotic murder to elected federal lawmakers? Perhaps. Then again, when reactionaries to Congress succeeded in slashing 1996 overseas population assistance by 35 percent a consortium of experts conservatively estimated that the cut would result in 4 million more unplanned pregnancies, 2 million more unin-

tended births, 1.6 million more abortions, 134,000 more infant deaths, and 8,000 more maternal deaths from pregnancy and childbirth complications.

The madman Salvi had a smoking gun, while the self-styled defenders of "the sanctity of life" and "the rights of the unborn" in Congress had the clout to deny contraceptives to poor women throughout the world. But who was more dangerous?

Although Congress last year appropriated \$385 million for international population assistance in 1997, it added caveats that none of the amount could be spent until July 1—nine months into the fiscal year—and then at the rate of only 8 percent per month.

It has been estimated that the moratorium and metering of the funds will lead to even more unintended pregnancies, births, abortions and infant and maternal deaths than the 35 percent budget cut was expected to last year.

Consequences of the punitive withholding of the appropriation may include shortages of contraceptive supplies, closure of family planning clinics and sharp reductions in nearly all U.S. government population programs—including those in countries most in need such as Bangladesh, Kenya and Peru.

In addition, many countries with large populations and a large unmet need for family planning—including Indonesia and Mexico, with a combined population of 300 million—may be unable to receive U.S. funds that would be used in programs where there is even greater need.

Ironically, the restrictions placed on international population programs was instigated by lawmakers who claim to oppose abortion. These same members of Congress are well aware that U.S. funds have been prohibited from financing abortion for nearly a quarter of a century.

Moreover, an estimated 32 million abortions take place in the developing world annually and more than half are unsafe or clandestine and believed to result in 70,000 preventable maternal deaths each year.

There is ample evidence that when contraceptive use increases, abortion rates decline.

In the late 1960s there were close to 80 abortions per 1,000 women in Hungary, while contraceptive use was at a low 20 percent level. A subsequent rise in contraceptive use to more than 30 percent of couples in 1978 was accompanied by a reduction in abortions to just over 30 per 1,000 women.

A 24 percent increase in contraceptive use was recorded in Mexico City from 1987 to 1992, while the abortion rate dropped during the same period from 41 to 25 per 1,000 women.

Contraceptive use in South Korea increased from 24 percent in 1971 to 77 percent in 1988, while lifetime abortion rates per woman declined from a peak of 2.9 per woman in 1978 to 1.9 by 1991.

The 1997 U.S. international population assistance law permits the president to submit to Congress by Feb. 1 findings showing that withholding funds will be detrimental to family planning program efforts. Both houses will vote in February on whether or not to accept the president's findings. Acceptance allows the appropriation to be released as early as March 1, rather than by July 1.

Colorado's newly elected U.S. Senator Wayne Allard who voted against overseas family planning programs as a member of the House of Representatives, and all members of the states congressional delegation should consider the devastating consequences of denying contraceptives to

women in poor countries when he casts his vote on the president's findings in February.

**SALUTE TO KATHERINE HOFFMAN
HALEY**

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. GALLEGLY. Mr. Speaker, I would like to recognize one of Ventura County's outstanding citizens, Katherine Hoffman Haley. As the Granddaughter of the founder of Ventura County, Katherine has proudly carried on the legacy of her grandfather, William Dewey Hobson.

Katherine along with her mother, Edith and brother, Walter, have been responsible for keeping the heritage and history of Ventura County alive. She was instrumental in raising hundreds of thousands of dollars for the construction of the Ventura County museum of history and art. She has subsequently obtained additional hundreds of thousands for the support of the museum's programs over the years.

Her involvement in the community has not stopped there. She has served as a member of the board of directors of the Community Memorial Hospital in Ventura for over 35 years. And her generosity extends to the legions who have come far and wide to visit her home to see her extensive collection of western art.

Her innumerable contributions to the community will serve as a legacy to her dedication. I am proud to pay tribute to her today.

**TRIBUTE TO SUPERVISOR GARY
GIACOMINI**

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Ms. WOOLSEY. Mr. Speaker, in rise today to honor one of my district's most dedicated elected officials, Marin County Supervisor Gary Giacomini. Gary Giacomini was elected in 1972 to represent the Fourth Supervisorial District of Marin County. He has served the people of Marin County well in this capacity for over 24 years, being elected to six successive, 4-year terms, and serving as chair of the board for 6 years. Currently, he holds the distinction of being the longest serving county supervisor in the State of California.

As we celebrate Supervisor Gary Giacomini's years of service to this community, I wish to recognize Gary for his commitment to the people of Marin County, and to thank him for his lifelong record of public service. I was pleased to have worked closely with Gary over the last several years on important issues such as transportation and improvements along the 101 corridor, securing the purchase of the Northwestern Pacific Right-of-Way, conversion of Hamilton Field in Novato, and our ongoing efforts to preserve agriculture in west Marin and protect the lands adjacent

to Point Reyes National Seashore. It was a pleasure to be working hand-in-hand with him, and in continue to be impressed by his dedication and vision.

In addition, Gary has been a leader on numerous local boards and commissions. He chairs the Marin County Congestion Management Agency, and is a member of the California State Coastal Commission; the Bay Conservation & Development Commission; the Golden Gate Bridge, Highway & Transportation District; the Local Agency Formation Commission and the Mental Health Advisory Board. As a member of the Marin Agricultural Land Trust, he has been instrumental in protecting the environment and agricultural land in Marin County. Now that he is leaving the Marin Board of Supervisors, Gary is creating an organization that will work to protect our coast and our natural resources. He advocacy group is already making a difference on this important issue.

Gary Giacomini is a native of Marin County, and currently lives in San Geronimo with his wife, Linda. Gary graduated from the University of California, Hastings College of Law, and is a member of the Law Journal, Thurston Honor Society, Order of Coif.

Mr. Speaker, it is my great pleasure to pay tribute to Supervisor Gary Giacomini. Marin County owes a great deal of gratitude for his tireless efforts over the year. Time and time again he has extended himself on behalf of many people and for many causes. I extend my hearty congratulations and best wishes to Gary, Linda, and their family for continued success now, and in the years to come.

**SUPPORT HOUSE RESOLUTION 40—
SAVE THE LIVES OF 29,000 WOMEN**

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. TOWNS. Mr. Speaker, on January 23, 1997, the National Cancer Institute's Consensus Panel reviewed data on breast cancer and concluded that it could not recommend regular mammograms for women in their forties. In light of voluminous data and statistical evidence supporting mammograms for women in this age group, I am deeply concerned. Approximately 29,000 American women will contract this disease between the ages of 40 and 49.

Recently, Senator OLYMPIA SNOWE led a bipartisan coalition which introduced a Sense of the Senate resolution, Senate Resolution 47, concerning the need for accurate guidelines for breast cancer screening. We strongly support her efforts, and believe this is a positive step toward helping women. The resulting 98-0 vote shows that our Senate colleagues are fully aware of the critical nature of this issue.

I am also diligently working to ensure that women have clear direction from the Government. In fact, in 1994 the Subcommittee on Human Resources and Intergovernmental Relations, which I chaired, published a report, "Misused Science: The National Cancer Institute's Elimination of Mammography Guidelines for Women in Their Forties," which raised con-

cerns about the National Cancer Institute's decision to change its mammography guidelines. Prior to publishing this report, I convened a hearing where numerous agencies, organizations, and individuals, included Senator SNOWE, testified about the impact of NCI's decision on the lives of women.

The message from all respected voices is clear: mammograms can save the lives of women in their forties, a disproportionate number of whom are African-American. As a concerned Member of Congress, on February 5, 1997, I introduced a Sense of the House resolution, House Resolution 40, encouraging Members to make a unified, unequivocal statement that women between the ages of 40 and 49 need clear, accurate guidelines for breast cancer screening.

I urge you to support this resolution to lead the charge for saving women's lives.

INCOME EQUITY ACT OF 1997

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. SABO. Mr. Speaker, a year ago at this time, one couldn't open a newspaper or magazine without reading about the widening gap between the rich and poor in our Nation. Today, however, these articles are difficult to find. Although income inequality has declined slightly from its high point in 1993, we are still in the midst of a long-term rise in inequality that has persisted since the late 1960's.

While the income gap persists, working Americans are finding it even harder to make ends meet. Though our economy continues to grow, most American families have not returned to the income levels they had before the 1989 recession. In fact, in 1994 more than 16 percent of full-time workers could not support their families above the four-person poverty level—compared to 12 percent in 1979.

Although many forces lie behind the growing inequality of income and wealth in America, it is clear that both Government and corporate America have roles to play in narrowing the gap. For this reason, I am introducing the Income Equity Act of 1997. This legislation addresses the problem by encouraging corporate responsibility. For too many years, the trend in corporate America has been to pay top executives lavishly, while thinking of other employees as an expense or not thinking of them at all. My legislation will force companies to take a close look at how they compensate their employees at both ends of the income ladder.

The Income Equity Act would end our Government's practice of subsidizing excessive executive pay through the Tax Code by denying tax deductions for executive compensation that exceeds 25 times the company's lowest paid full-time employee. For example, if a filing clerk at a firm earns \$10,000, then any amount of executive salary over \$250,000 would no longer be tax deductible as a business expense. This bill will not restrict the freedom of companies to pay their workers and executives as they please. It will send a strong message, however, that in return for tax deductions, the American taxpayer expects

companies to compensate their lowest paid workers fairly.

Economic inequality is a problem that will, if not addressed, rend the fabric of our society. Our Government has every reason, and every right, to encourage responsible corporate citizenship. The Income Equity Act is not the ultimate answer to the widening gap between the rich and the poor, but it is an important step toward ensuring that all Americans can share in our Nation's prosperity.

TRIBUTE TO IRENE KETCHUM

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my honor to commend to you and my other distinguished colleagues, Ms. Irene Ketchum, an outstanding citizen of Indiana's First Congressional District. Irene is a shining example of commendable dedication to voluntarism. At the end of 1996, in recognition of her unselfish commitment to the community of northwest Indiana, Indiana State Representative Dan Stevenson of Hammond, IN, presented Irene with Indiana's highest honor designated by Governor Evan Bayh, the Sagamore of the Wabash. This distinguished award was bestowed upon her at a Democratic precinct open house at the Wicker Park Social Center.

Irene's distinguished career includes being managing editor of the Herald Newspapers in Gary, IN, from 1950-55. From 1956 to 1979, Irene served as clerk treasurer for the town of Highland, and in 1980, she became a trustee and board secretary of the Lake County Public Library.

Over the years, Irene has devoted her time to many community service organizations. She has served as treasurer of the Highland Community Events Council, president of the Highland Women's Democratic Club, and auditor of the Highland Democratic Club. Moreover, Irene has served as treasurer, secretary, vice president, and president of the Indiana League of Municipal Clerks and Treasurers, and she is a lifetime member of the Girl Scouts of America USA. In 1995, the Girl Scouts Calumet Council honored Irene with its Woman of Distinction Award.

Irene unselfishly spends 1 day a week at an east Chicago, Indiana church rectory, doing office work, and 1 day a week at Our Lady of Grace school library. Irene also aids the Hammond Public Library with the program for seniors once a month. Currently, Irene is treasurer for the St. John Deanery Council of Catholic Women, and she is president of the Our Lady of Grace Court 80, National Catholic Society of Foresters.

In a country that benefits immensely from voluntarism, Irene has proven that unselfishness has unlimited rewards that do not go unrecognized. Irene can be proud of her efforts to enrich the caliber of life in Indiana's First Congressional District. Mr. Speaker, I ask you to join me in commending Irene for her lifetime devotion to community service.

EXTENSIONS OF REMARKS

BERNICE C. JOHNSON—CITIZEN
ACTIVIST

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. HILLIARD. Mr. Speaker, I rise today to bring to the attention of my colleagues one of the spokes in the wheel of justice. Ms. Bernice Johnson's life represents that toward which we all should aspire—belief in self, commitment to community, dedication to the principles of democracy, and resolve to carry on in spite of adversity.

Ms. Johnson has worked in areas of voter registration, voter education, and voter participation in Jefferson County and throughout the State of Alabama. From 1963 to 1965, she traveled throughout the State organizing African-Americans for voter registration. It was not an easy task. She documented evidence which was sent to the U.S. Department of Justice during President Lyndon B. Johnson's administration. This data was useful in laying the groundwork for the need of Federal examiners in the State of Alabama.

She has worked with many community organizations. She was the first African-American woman to serve on the Alabama State Textbook Committee, the first African-American woman to run for the Jefferson County Board of Education, and the first African-American woman to serve on the Birmingham Planning and Zoning Board.

Ms. Johnson is firmly dedicated to the principles of democracy and the belief that "complete democracy will become a reality through proper use of the ballot." Her steadfast activism has made my State a better place for all Alabamians. With due diligence, unyielding faith and an appreciation for equal justice for all, Ms. Bernice Johnson has lived her life in a manner that is due the utmost respect. Today, in a small way, I am pleased to have the opportunity to recognize her for her many successful achievements.

DEPOSITORY INSTITUTION AFFILIATION ACT OF 1997

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. BAKER. Mr. Speaker, today I am introducing the Depository Institution Affiliation Act of 1997, which is legislation designed to enhance the competitiveness of our financial services sector in preparation for the 21st century. This legislation is similar to H.R. 814 which I introduced in the 104th Congress. I am pleased to introduce this legislation again in the 105th Congress. It is my hope that our efforts this year will be successful in framing the debate on financial services modernization.

Senator ALFONSE D'AMATO, chairman of the Senate Banking, Housing, and Urban Affairs Committee, is also joining me in introducing similar legislation in the Senate today. Senator D'AMATO and I share both a belief in the mer-

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its of this approach, and a commitment to pass financial modernization during this Congress.

I want to make it clear that I am totally committed to passage of the most far-reaching financial modernization package possible in the 105th Congress. The introduction of the Depository Institution Affiliations Act of 1997 signals that I am committed to an approach that allows for the broadest possible reforms and recognizes the reality of the current marketplace. This reality is that today's dynamic financial marketplace is being ill-served by the artificial and arbitrary market segmentation that is at best anachronistic, and at worst anti-competitive and economically harmful. If financial modernization indeed is broad in scope, then American consumers will benefit by improved competition, more available services, and more rapid technological innovation in the marketplace. This modernization must be crafted in a manner that gives consumers the certainty that their financial services are provided within a safe and sound framework.

At this unique point in time, we have an historic opportunity to achieve fundamental reforms in our Nation's financial services structure. That opportunity must not be squandered by leaving in place significant barriers in the market that will undoubtedly prove to be short-sighted. The restructuring of the financial services sector should recognize the market's evolution to date, and provide for market innovations to continue well into the future in a safe and sound manner.

The legislation I offer today is virtually identical to that legislation I sponsored last Congress with significant bipartisan support. As we move ahead toward the goal of modernization, I fully anticipate garnering wide bipartisan support for my approach. In the coming months, as the administration grows more engaged on this issue, it will be essential to develop a bipartisan approach to financial services modernization.

I believe this legislation is a good starting point for developing just such a bipartisan consensus in this modernization debate. The Depository Institution Affiliation Act also serves as my personal starting point on this issue in the 105th Congress, as I plan to hold hearings and introduce additional legislation in the coming months. The House Banking Committee should have before it all the available options in addressing the difficult issues posed by financial services modernization.

I want to commend my colleague, chairman of the House Banking Committee, JIM LEACH for his commitment and leadership in pushing for early action on financial modernization in the 105th Congress. I look forward to participating in all hearings the House Banking Committee will hold on this important issue.

As chairman of the Subcommittee on Capital Markets, GSE's, and Securities, I plan to hold hearings that deal with two issues I believe are very important in this debate: the issue of allowing banking and commerce to mix; and the proper scope of holding company regulation. I believe that putting together an effective consensus on these two issues will be the key to successful passage of a financial modernization package. Mr. Speaker, I look forward to working with you and all Members of the House in order to bring real reforms to our Nation's financial marketplace.

IN APPRECIATION OF PAMELA C.
HARRIMAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. GILMAN. Mr. Speaker, it is with both sadness and gratefulness that I introduce the following resolution concerning the recent passing of a great American, Ambassador Pamela C. Harriman. Her sudden death last week left all Americans bereft of a truly dedicated public servant, a woman of wide learning and interest, and a great patriot.

I hope that all our Members will join with the International Relations Committee in adopting the following resolution that will put the House of Representatives on record in appreciation of Ambassador Pamela Harriman's life. We should bear in mind that as a wife she provided her wisdom and solace during the last years of his life to one of the great statesmen of this century, Gov. Averell Harriman. We should also take note of her contribution to the allied victory over Nazism in Europe, through her earliest exploits in the field of diplomacy helping to unite as allies the nations of France, Great Britain, and the United States.

In her capacity as the United States Ambassador, Extraordinary and Plenipotentiary, to France, Pamela Harriman gave the last measure of her life to serving America, her adopted country. She brought to this task all her skills and experience in keeping the ties between the United States and France strong, despite many troublesome disagreements between our countries. She was very much a hands-on Ambassador, working long hours and devoting much energy to this task.

Accordingly, I believe that support of the following resolution is merited, and I hope that all our Members will join Mr. HAMILTON, Mr. MANZULLO, and myself in recognizing Pamela Harriman as a distinguished stateswoman and a great American.

TRIBUTE TO ANGELICA MARIA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. ORTIZ. Mr. Speaker, I rise today to commend and pay tribute to Ms. Angelica Maria, the newly selected Mr. Amigo.

Every year, members of the Mr. Amigo Association, who represent the city of Brownsville, TX, travel to Mexico City to select a new Mr. Amigo to serve as the honored guest of the Mr. Amigo festivities in Brownsville. The Mr. Amigo festivity is a 4-day international event which invites the United States and Mexico to celebrate the distinct cultures of these neighboring countries. During the Mr. Amigo celebration, which originated as a pre-Lenten festival, Brownsville citizens participate in a series of parades, dances, and parties to demonstrate the goodwill of both countries. It is a major function which is eagerly anticipated by many South Texans as well as our winter visitors.

We are honored to recognize Ms. Angelica Maria as the 33d Mexican citizen chosen by the Mr. Amigo Association. Angelica Maria "La Novia de México" is one of the Spanish-speaking world's most loved entertainers. Angelica is a four-decade veteran of the movie, stage, television, and recording industry. She first garnered international recognition in 1952, when, as a child, she starred in an award-winning role as the year's best child actress in "Mi Esposa y Yo." For over 44 years, she has traveled all over the Spanish-speaking world amassing an impressive list of smash hits as a recording artist, stage actress, and star of television and movies. Her first American rock hit, "Eddie, Eddie," in 1962, propelled her to the top of the record charts. One of her most recent hits was a collaborative effort with the former Mr. Amigo, Vicente Fernandez. She has also appeared with former Mr. Amigo recipients Armando Manzanero and Marco Antonio Muñoz. Recently, another former Mr. Amigo, Raul Velasco, dedicated his entire 3-hour television show "Siempre En Domingo" in tribute to her 44 years of artistic success.

Angelica Maria's life's work is an impressive list of 56 movies, 16 television soap opera starring roles, 44 television dramas, 54 record albums, and numerous musical spectaculars in theaters and night clubs from Santiago, Chile, to New York, Madrid, Spain, and Los Angeles. A litany of 171 awards in recognition of her brilliant career is highlighted by the "Candileja de Oro 1996" for her most recent success in the leading role of Esperanza in the television hit "Bendita Mentira."

Ms. Angelica Maria is a perfect recipient of the Mr. Amigo Award. For she has, over the long period of her career, taken her unique screen, television, and stage performances to numerous countries, including the United States. A true ambassador of her country and of her culture, she has been praised by numerous organizations for her unconditional commitment to improve mutual understanding and cooperation between Mexico and the United States. Ms. Angelica Maria should be recognized for both her artistic ability and her contribution to her commitment to bicultural relations between the two nations.

Mr. Amigo, Ms. Angelica Maria, will receive the red-carpet treatment when she visits Brownsville as the city's honored guest during the upcoming Mr. Amigo celebration. During her stay on the border, she will make personal appearances in parades and other festival events. Official welcome receptions will be staged by organizations in Cameron County, TX, and the cities of Brownsville, TX, and Matamoros, Tamaulipas, Mexico.

I ask my colleagues to join me in extending congratulations to Ms. Angelica Maria for being honored with this special award.

**DR. W.C. PATTON: CIVIL RIGHTS
LEADER**

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. HILLIARD. Mr. Speaker, I rise today to pay special recognition to the triumphs of Dr. W.C. Patton.

Dr. W.C. Patton, a native of Alabama, was nationally noted as a civil rights activist and czar in the Alabama civil rights movement and overall progress of Birmingham. He was known to many as the father of Alabama's NAACP movement.

Dr. Patton attended public schools in Birmingham and Alabama State College in Montgomery, AL. In 1970, the honorary degree of doctor of laws was conferred on him by the Birmingham Baptist College.

He spent 16 years in Alabama schools before becoming Alabama State manager of the American Woodmen, a fraternal life insurance association. In 1962, he was elected a member of the national board of directors of the Supreme Camp of American Woodmen and in 1964, vice supreme commander of the American Woodmen.

During this time, Dr. Patton became deeply involved in the political process of our State and Nation. In 1952, he called community leaders together from around the State and organized the Alabama State Coordinating Association for Registration and Voting. At the time, there were approximately 20,000 registered black voters in the State of Alabama. He became president of the Birmingham branch of the NAACP and later became president of the Alabama State Conference of NAACP Branches. After 10 years, he resigned with the American Woodmen to become executive secretary for the State NAACP of Alabama. Membership increased and Alabama ranked second behind North Carolina in the southeast.

In 1956, when the NAACP was enjoined from doing business in Alabama, he became the national association director of voter education for the NAACP with headquarters in Memphis, TN. Later he became national director of NAACP voter education.

Dr. Patton did not limit his work to one area; he has served his community in many capacities—on many boards and educational and civic committees, to make Birmingham a safe and progressive place to live.

TRIBUTE TO THE HONORABLE RICHARD H. BREINER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Ms. WOOLSEY. Mr. Speaker, I rise today to honor one of my district's most dedicated and caring public servants, the Honorable Judge Richard H. Breiner. Judge Breiner is being honored for a lifetime of exemplary service to his community as presiding judge of the Marin County Superior Court for the past 20 years. I was fortunate to have the opportunity to join many of his friends, colleagues, and family to celebrate his remarkable accomplishments at his retirement party in January of this year.

As an appointed judge to the Marin County Superior Court, Judge Breiner earned an excellent reputation, and received the prestigious California Judges Association President's Award in 1992. In addition, his ongoing commitment to improve the community led him to take leading roles in numerous civic and law-

related organizations. Since his arrival to Marin County in 1975, he has served as trustee of the Big Brothers of Marin, as director of the Marin County Drug Abuse Advisory Committee, as director of the Women's Foundation Advisory Committee, and as founding member and director of the Marin County Park and Open Space Foundation.

Mr. Speaker, it is my great pleasure to pay tribute to the Honorable Judge Richard H. Breiner and to thank him for his tireless efforts to serve his community, both as a judge and as an involved citizen. The people of Marin County owe him a great deal of gratitude. I extend my hearty congratulations and best wishes to Judge Breiner, his committed wife, Dottie, and his two children, Daniel and Deborah, for continued success in the years to come.

THE BIPARTISAN CAMPAIGN REFORM ACT

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. CASTLE. Mr. Speaker, the 1996 elections highlighted a number of problems with our present system of campaign finance—the power and influence of outside organizations, the tendency of wealthy candidates to dramatically jack up the costs of a race, the ineffectiveness of the Federal Election Commission, and the wily resourcefulness of candidates and parties to raise the funds that they need.

At this point, I think most Americans and Members in the Chamber would agree that there is a problem with our system of financing campaigns and that the present system should be changed. However, there is significant disagreement on the best method for actually reforming the system. Enacting campaign finance reform legislation will not be an easy task, in spite of its necessity.

In the interest of moving campaign finance reform forward this year, I have agreed to co-sponsor the Bipartisan Campaign Reform Act sponsored by Congressmen SHAYS and MEEHAN. This bill has the momentum to move through the cumbersome legislative process, and by moving forward, the bill keeps the issue of campaign finance reform alive and on the agenda. In addition, while I have reservations about some provisions, the legislation makes many important reforms that will do much to address campaign finance abuses of recent years.

For example, it equalizes PAC and individual contributions at \$1,000 per election; it improves disclosure, thereby bringing sunshine on the spending practices of outside groups to influence Federal elections; candidates may match outside group spending without having that spending count toward their spending limits; it bans mass mailings in election years; it strengthens the Federal Election Commission's enforcement mechanisms; it bans soft money and bundling; and it enhances the power of small contributors by prohibiting candidates from raising or spending more than 25 percent of the spending limit—\$150,000—in contributions greater than \$250,

among other provisions. It also includes provisions to address the matter of wealthy candidates—if a candidate spends more than \$60,000 in personal funds toward an election, then the candidate's opponent's spending limit is increased and the amount PAC's and individuals can contribute to the opponent doubles to \$2,000.

However, there are some things I'd like to see modified in the bill. For example, I'd like to see a requirement that at least 40 or 50 percent of a candidate's contributions come from within the State. I'd like to see stronger franking reforms, like changing the definition of a mass mailing to 250 pieces of mail or more rather than the present level of 500 pieces. I'd like to see a significantly lower contribution level for wealthy candidates—the bill allows candidates to spend up to \$60,000 in personal funds toward the election.

Furthermore, I have questions about the efficacy of spending limits, and whether they serve to hinder, or to assist, challengers.

At this point, it is less important to draft the perfect campaign reform bill than to make sure that campaign finance is firmly established on the congressional agenda. There will be ample opportunity to discuss other campaign finance reform provisions once Congress is committed to cleaning up Federal election campaigns. This bill makes an outstanding contribution to the campaign finance reform debate and has the momentum to move through the legislative process. I urge my colleague to give it their careful consideration and cosponsorship.

RECOGNITION OF THE SERVICE OF AMBASSADOR SAMUEL G. WISE, JR.

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. SMITH of New Jersey. Mr. Speaker, the Helsinki Commission mourns the recent death of its esteemed Director of International Policy, Ambassador Samuel G. Wise, Jr. He faithfully served his country through years in the Marine Corps, the U.S. Foreign Service, and the Commission on Security and Cooperation in Europe. I am privileged to have worked alongside him during his many years with the Commission, as he offered sage advice, well-reasoned insight and guidance based on years of experience in the diplomatic community. His appointment as Ambassador when he was Deputy Head of the U.S. Delegation to the 1986–89 Vienna Review Meeting was well deserved.

Typical of Ambassador Wise's commitment to the work of the Helsinki Commission and the best national interests of the United States, he most recently served on the U.S. Delegation to the Vienna Review Conference of the Organization for Security and Cooperation in Europe held last November. He attended and offered timely and indispensable advice in drafting the Declaration of the OSCE Lisbon Summit held in early December. Ambassador Wise's participation in these international meetings were tireless and his contributions, highlighting the fundamental impor-

tance of human rights throughout the work of the OSCE, were significant and lasting.

The numerous letters of condolences which have been received at the Helsinki Commission are indicative of the impact Ambassador Wise has had on the OSCE community. From diplomats, to human rights activists, to friends and colleagues, the effect of this one life has been eloquently chronicled. Some reminisced about their "fond memories of his personality, professional expertise and intellectual brightness." Others recognized his dedication "to promote the goals of the United States and of the Commission, as stated in the Helsinki Accords and in other documents issued subsequently." One noted that "compassionate and engaged, Sam was the consummate Helsinki expert whose objectivity and capacity to get it right were unrivaled. Highly regarded by the entire OSCE community, his loss is irreplaceable." Respected as "a man of integrity and honored convictions" and remembered as a "warm and compassionate human being," Ambassador Wise has admirers virtually around the globe.

Both as a Commissioner and, most recently, as Chairman of the Helsinki Commission, I sought and appreciated very much the counsel which Sam provided. The combination of Sam's gentle spirit and his winsome manner proved effective in his dealings with Members of Congress and staff, as well as the Department of State and the diplomatic community. His insights, experience, sound advice, and friendship will be sorely missed. My prayers are with his family as they grieve the loss of their husband and father.

AMBASSADOR SAMUEL G. WISE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. RICHARDSON. Mr. Speaker, it is with great sadness that I received the news of my friend Samuel Wise's passing. Ambassador Wise was a great public servant for the United States, and he will be missed dearly.

His service to the United States during the cold war exemplifies what is best about the U.S. foreign policy. Samuel was an outspoken defender of dissidents, refuseniks, prisoners of conscience, and other individuals caught under the grinding strictures of tyranny.

His legacy will be the hope he brought to those he helped free from oppression, and the process he helped create which seeks to advance human civilization. The United States and the world has lost a great man and a true humanitarian. I will miss him and his counsel.

ARTHUR SHORES—ALABAMA'S DRUM MAJOR FOR JUSTICE

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. HILLIARD. Mr. Speaker, in December 1996, America lost one of its greatest warriors

for peace, justice, and equal opportunity. Arthur Shores, a man of unquestioned courage and character, passed away this past December. Arthur Shores is a revered figure in Alabama history and a significant persona of the civil rights movement.

Mr. Shores, a native Alabamian, was a graduate of Talladega College. He received his juris doctor from LaSalle University. In 1937, Mr. Shores passed the Alabama State Bar Examination. As a newly practicing attorney, he faced many forms of racial discrimination and resistance in his profession, but triumphed nonetheless.

Mr. Shores was the only black practicing attorney in Alabama in the early 1940's. He practiced civil rights law all over the State of Alabama. However, he was also called upon to handle cases outside of the State that had national significance. For example, he was one of the NAACP lawyers associated with the Brown versus Board of Education case. He also represented notable civil rights pioneers such as Dr. Martin Luther King, Jr., Autherine Lucy, Rev. Fred Shuttlesworth, and Vivian Malone.

Arthur Shores' civil rights work on behalf of all Alabamians is his living legacy for my State. He not only was part of change during the civil rights era, but he made it happen through his exceptional achievement as a civil rights jurist. He is regarded as one of the most brilliant and courageous pioneers in jurisprudence and social justice in this country. He was a destiny changer; one who made a difference in human and race relations. His courage and persistence through the use of the law would have profound impact on the social justice system of the State of Alabama, the South, the United States, and indeed the world.

His efforts on behalf of the politically and economically disenfranchised came with a price. In 1963, his home was bombed twice. No one was injured, but the incidents were examples of the hostility faced by a civil rights attorney. Still, he continued. Still, he fought the good fight.

Moreover, he was a family man. He clearly understood the meaning of family. His daughter Helen said her fondest childhood memories

include going to the movies with her father and sister Barbara.

"Every Sunday for as long as I can remember he took us to the Eighth Avenue Theater to watch the serials and the western movies, rain or shine," she said. "If he flew out of town, he always came back to take us to the movies, even if he had to fly out on Monday."

"He was my best friend. I could always depend on him. He was always there, even for the grandchildren. Those who knew my father will tell you he was a very humble man. He was always one to turn the other cheek. Even when they bombed his house twice, I never heard him say one unkind word about anybody," she concluded.

Arthur Shores will be remembered for the court cases he won, the legal precedents he set, and the role he played in tearing down barriers; however, it is the comments from his daughter Helen that really show you the measure of the man. Arthur Shores was a man for all seasons—smart, dedicated, compassionate, and humble. I am honored to have known him and to have considered him my friend.